"*Such are the men of whom we shall hereafter need many more. Keep them in your minds as studies for your emulation.*" *H.E.*—The Duke of Buckingham and Chandos.—(*vide page* 117.)

THIS VOLUME

IS

BY KIND PERMISSION

DEDICATED TO

THE RIGHT HON'BLE

SYED AMEER ALI, C. I. E.,

Ex-Judge of the High Court of Calcutta, and now Member of the Judicial Committee of His Majesty's Privy Council, London.

Look Here, Please!

SOME LETTERS ABOUT THIS VOLUME.

I. The Hon'ble Sir. Arnold White, Chief Justice of Madras:—"I have been reading the 'Memories' and have found them most interesting. You have spared no pains to make your book worthy of its subject."

II. The Hon'ble Mr. V. Krishnaswamy Iyer, B.A.B.L., H. E.'s Council Member, Madras:—" I was very pleased to read your life of Sir. T. Muthusamy Iyer. I wonder how you managed to glean so many interesting incidents of his life. The story of his life is well worth writing. It is a book that ought to enjoy a wide circulation."

III. The Hon'ble Mr. Justice. C. Sankaran Nair, Madras:—"I feel confident that your information about Sir. T. Muthuswamy Ayyar must be interesting."

IV. The Hon'ble Sir. Philip Percival Hutchins, K. C. S. I., Formerly Judge, Madras High Court, and Legal Adviser to the India Office etc., etc., writing from London says:—"I have to thank you for sending me an Advance copy of your Memoir of my old friend and colleague. I had not before realised the trying anxieties of his early life and I am glad to be confirmed in the idea that another, even older friend, Mr. E. B. Powell had so much to do with the formation, at all events, the establishment of his character. Another fact, very interesting to me personally, which the Memoir has revealed to me, is that his birthday is the same as mine, *viz*, 28th January. The great General Gordon of Chinese and Egyptian fame was also born on that day."

V. The *Hon'ble* Mr. *P.S. Sivasami Iyer*, B.L., C.I.E., *Advocate-General, Madras*:—"I have gone through your *Advance* copy of the "Memories of *Sir. T. Muthusamy Iyer*," with much pleasure. I had a great reverence for him and his relations with me were uniformly characterized by the greatest possible kindness. Sarcastic as he often was on the Bench, I never had a single harsh word from him. He took a keen interest in my welfare and his words of encouragement in my days of struggle at the Bar were of much help as an incentive to perseverance in the career I had chosen. My opinion of his work and worth you will find summed up in the article which I wrote for the *Madras Law Journal* soon after his death and which you have included in your book. The study of his life can not fail to be an inspiring example to his countrymen and especially to young men about to enter life. Conditions have vastly changed since the days when Mr. Muthusami Iyer was able to push himself to the front by his intellectual merits and force of character. His was mainly a struggle with poverty. The struggle that young men have now to encounter is a struggle with the additional and even more serious obstacle of severe competition among a host of qualified men. Not withstanding this change, the lessons to be drawn from Sir. T. Muthusami Iyer's life are bound, if steadily followed, to enable young men to lead a life of usefulness to the community. I hope your book will serve the purpose of keeping his memory alive in the minds of his countrymen."

VI. The *Hon'ble Sir. Murray Hammick*, K. C. S. I. C. I. E. *of the Executive Council*, Madras:—"Sir. T. Muthusamy Aiyar was an excellent Judge and a man of high character. It is well to have his life so written and put in the hands of the people. I used to see a great deal of him and had the highest admiration for him"

PREFACE.

It is the custom of authors and publishers to offer their readers what is called a Preface. The Preface is more or less a biography of the book itself and it has at times to deteriorate into a piece of autobiography of the writer himself. In a treatise like this which is itself a biography of a great personage, a narration of the circumstances which have led to its publication must, indeed, seem preposterous. But we all live in a world of orthodox practices and very often even a slight deviation therefrom is apt to displease some at any rate of the reading public whose good feelings it is the interest of every writer to respect and his duty to avoid any apparent discourtesy towards them. I therefore dare not risk a profitless departure, especially, as the preface is the convenient resort of the author to announce his modest apology for the venture, to point out its special features, to confess to his errors of commission and omission, to promise improvement in a future edition, to acknowledge his indebtedness to helping friends, to plead pardon for deficiencies, and last but not least, to solicit patronage of the public under any circumstances.

Dear Reader, when I was a young boy, I first saw Mr. Justice Muthusami Ayyar at Mayaveram—my birthplace and his domiciled home and summer retreat—and my first impressions of his humility, simplicity and industry gradually tended towards an admiration for him which soon prompted me—not altogether devoid of youthful ambition and native pride—to seek for opportunities of closer contact in view to my study of his public

life and work. In tens of ways I had the good fortune to secure his close contact, first indirectly through my friends, and latterly to become personally known to him. Strangely enough, I had to meet him often in my capacity as the Secretary of an Amateur Dramatic Club then vigorously working at Mayaveram, and to persuade him to become its Patron, to which he at last consented. In course of time he took some fancy for my rather pushing temper and enterprising spirit and as I was then staying at Madras, I devoted my leisure to equip myself with the materials necessary for his life-sketch through the kind permission of the late Mr. M. Viraraghava Chariar of the *Hindu* to ransack its old volumes. I then approached the Judge with a request for some help in the matter. Of course, Sir. T. Muthusami Ayyar with his wonted modesty evaded it for a time, but finding my earnestness, perseverance and constant persuasion too irresistable for him, he at last condescended to furnish me with some facts and anecdotes of his early life which till then were known to select relations and friends only. I still recollect most vividly our conversation in which he urged that the Indians who passed for great men because perhaps they earned handsomely, were but pigmies compared with the world's remarkable men of action such as Franklin, Washington, and Wellington who have by their distinguished services made their country's history, so much so that he went even to the length of advising me seriously to direct my energies to educating the Indian masses by publishing in Vernacular a series of biographical sketches of such heroes. Though struck with the force of that practical advice—and that shall

PART I.

MEMORIES OF

SIR T. MUTHUSAMI AYYAR.

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MEMORIES

OF

SIR. T. MUTHUSAMI AYYAR,

The First Indian Judge of the High Court of Madras.

TOGETHER WITH

AN INTRODUCTION

BY

SIR. PHILIP P. HUTCHINS, K. C. S. I.,

Ex-Judge of the Madras High Court,

&c., &c., London.

Kalyanasundaram Power Press, G. S. Maniya & Co., Tanjore.

INTRODUCTION

BY

Sir. Philip. P. Hutchins, K. C. S. I.

The author of this Memoir has asked me to put on paper some of my recollections of Sir. T. Muthusawmy Aiyar.

I first heard of him as a Magistrate—I think at Tanjore. Leading counsel had gone there to appear before him in a difficult and important case, and they came back astonished at the masterly way in which he had presided and at his familiarity with legal principles and procedure.

Our personal acquaintance began at Madras, some years later, when he was a Judge of the Small Cause Court. His work there pointed him out as the fittest Indian gentleman for a seat in the High Court, and the Government of the day transferred him to Madura that he might have experience as a Subordinate Judge and secure the statutory qualification. I was then District Judge of Madura and learnt to know and appreciate him better. I also was considered a likely candidate

for the High Court, but there was no rivalry between us. On his appointment to that Court, I think he was in some apprehension that I might resent the preference given to one who had been in a position subordinate to myself. I know he was greatly pleased, and perhaps somewhat relieved, by my congratulations and frank acknowledgement that his appointment was the best that could have been made.

In 1883 I became his colleague in the High Court, and our acquaintance ripened, on my part certainly and I believe on his also, into a warm friendship. Usually two Judges formed a Bench, and of all my colleagues I preferred sitting with Muthusawmy. I was pressed with an anxiety to clear off the heavy arrears which had accumulated, and sometimes jumped too hastily to a conclusion. It was a great thing to have a colleague like Muthusawmy beside me. He was very patient, and others might even have thought him slow, but I know that if I should seem inclined to lay down a doubtful proposition, or to dismiss as untenable an argument which may have a good foundation, I should be stopped by a hint or suggestion from Muthusawmy, delivered so delicately that none else would have noticed it, but quite enough for one who recognised, as I did, both his gentle, unassuming disposition and the profound learning which lay behind it.

He was eminently a cautious and safe Judge, but his reported judgments show that on occasions he could lay down large and broad propositions in clear, illuminating language. Naturally his especial value to the Court lay in his familiar knowledge of Hindu Law and customs, but he was thoroughly imbued with the principles of general jurisprudence. From his high official position he was often compelled to take a prominent part in social, educational and even political gatherings. This was perhaps somewhat repugnant to his modest retiring temperament, but he brought to these discussions the same truth-loving intellect, the same sober and practical sense, which distinguished him on the Bench. What contempt and reprobation he would have poured on the misguided agitators now shrieking for Swaraj !

Of all my friends whose memory is dear to me, there is none for whom I entertained higher esteem or warmer affection than Muthusawmy Aiyar. The last opportunity I had of showing my regard for him was in making arrangements in England for his Statue now in the High Court. I think on the whole it is a good likeness, though I must admit that the otherwise noble countenance shows something too nearly akin to a smirk. That, I fear, is partly my fault. The original model seemed to me too austere. He was never severe

or unbending and he had a decided sense of humour. It was my unfortunate mention of this characteristic to the sculptor that produced the "smirk". However, that is better than that he should be thought an austere man.

DANESFORT, SURREY,
ENGLAND.

CHAPTER I.

PRELIMINARY REMARKS.

SOUTH INDIA has, within our recent recollection, lost many eminent sons and, among them, the Honorable Sir Tiruvarur Muthusami Ayyar, once the ornament of the High Court of Madras and, for ever, the pride of the Native Community in India. Muthusami Ayyar belonged to the small band of young men who received their education in the old Madras High School, now known as the Presidency College, and won the Proficiency Certificate awarded to the distinguished products of that institution. At the time of his demise in 1895, Muthusami Ayyar was one of the two glorious survivors of that excellent band of Proficients who have pointed out to the world that the education imparted in the pre-University days was nowise inferior to that now obtaining in our schools and colleges, nay, was even superior in certain respects. Of that band which once shed its lustre on the Indian community, which produced, for example, the able statesman and ruler of three large Provinces—the late Raja Sir T. Madhava Rao—, which gave us the late Diwan Ranga Charlu whose colossal intellect and genius for organisation astonished his countrymen and made Mysore the Model State it is to-day—, which, again, boasted of men of great administrative capacity and literary worth as displayed by the

late Diwan Rama Ayyangar and the Honorable Ranganada Sastrial,—and which last but not the least, included among this intellectual galaxy, the great maker of Modern Pudukotta, the late Sir A. Seshiah Sastrial—of this unique set, the first fruits of English education in the Southern Presidency, Muthusami Ayyar was the youngest who displayed remarkable abilities in the Judicial service and earned for himself a fame which has been indelibly recorded in its annals. He is now no more and we can only mourn for his death. But we feel sure that he will not be one of those for whom the country will weep for a few days or of whom the people will talk for a few months and remember for a few years when, their memory shall disappear from the face of the earth and not a tongue shall be found to recall it. No; it is certain that none of these brilliant sons of Madras who have proved to be the pioneers of India's regeneration under the *æges* of the British rule and who were also the earliest model servants of the Crown, can ever enter the land of forgetfulness and silence. Their patriotic and loyal services to their beloved country and to their gracious Sovereign will always be remembered, though their habitation is cut off from us. Their eventful career has left behind them practical lessons in the journey of life, while their precepts and example will teach to after-generations what admirable products of western higher education they one and all were, and how more admirable men whose lot is cast in more favourable circumstances could become, if only their wise counsel would guide their thoughts and activities in daily life. Their marvellous industry, their intellectual calibre, their extraordinary

humility while in office and power and above all, their heroic patience while struggling with almost chilling adversity in early life are surely lessons which must be instructive in themselves.

Muthusami Ayyar distinctly belongs to the category of India's great men. Greatness is in most instances associated with the practice of some great virtue in a pre-eminent degree and the teaching of this virtue by personal example is said to be the moral of one's life. Viewed from this standpoint, the great moral of the life of this eminent son of India is "*Do your duty, and never do you tire of it.*" This noble lesson which he so unswervingly practised at every stage of his career, he taught to his countrymen in these words:—

"In its widest acceptation, duty includes every quality and virtue which men of culture ought to cultivate and cherish, and strong sense of duty is the keynote of a high moral nature."

"Let neither insidious flattery nor blind censure, the contumely and ridicule of interested prejudice or vanity, win you aside, even when some personal risk stares you in the face, from the straight path of duty."

"Remember also that the life of a man of culture is one of trials and that he needs always to maintain a high sense of duty, as well in the hour of difficulty as in that of success and that in the long run devotion to duty seldom fails to meet with success and even reward in that life."

'To impress upon you the high sense in which you should do your duty, I cannot do better than tell you, in the language of our classic literature, that you must love your duty because it is your duty, and you must do your duty because it is your duty. If there

be any amongst you who needs an additional incentive, I shall only read to him a few lines from "THE LAY OF THE LAST MINSTREL':

Breathes there the man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart hath ne'er within him burnt,
As home his footsteps he hath turn'd,
From wandering on a foreign strand!
If such there breathe, go, mark him well!
For him no minstrel raptures swell!
High though his titles, proud his name,
Boundless his wealth as wish can claim;
Despite those titles, power, and pelf,
The wretch, concentred all in self,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
To the vile dust, from whence he sprung,
Unwept, unhonored, and unsung."—*Scott.*

His career, further, furnishes a fair illustration of how, under the beneficent British Government, a man of exalted parts and upright character, may, by his unwavering integrity, steady application, honorable loyalty and a perfectly gentlemanly conduct towards all,—whether superior, equal or inferior in status—raise himself to the highest positions of personal honour and public usefulness. The life of such a man must be an object-lesson which the rising generation of India will do well to read, admire and, what is more devoutly to be wished, to endeavour to approach the ideal it sets before them. For, we must remember that, after all,

The mighty pyramids of stone
That wedgelike cleave the desert airs,
When nearer seen and better known,
Are but gigantic flights of stairs.

CHAPTER II.

BIRTH AND BOYHOOD.

[Muthusami Ayyar born in Uchuvadi near Tiruvarur, Tanjore District—Removes to Tiruvarur—Poverty compels work—Apprentice to Village Karnam—Earns one rupee per month—Studious habits—Patient, diligent work—Observing tendencies—Uniform good behaviour—Pushes forward to master's attention—Mother dies—'Flood-repairs' incident—Another remarkable venture in Kist-balance sheet—Learns English alphabet *gratis*—Tahsildar determines to educate him fully—A test of his capacity—Taken into Tahsildar's special protection.]

Tiruvarur is an important centre in the district of Tanjore in the Madras Presidency and about two miles off there is a village, by name *Uchuvadi*, now almost deserted. Muthusami was born in this village on January 28, 1832. His parentage was respectable though humble. His father, Venkatarama Sastrial, was in very poor circumstances and depended on the occasional bounty of bis generous neighbours. He had two sons, the elder of them named Vaidyanathasami Ayyar and the younger, our hero, known in domestic circles by the simple and endearing appellation of "*Muthu.*" With great difficulty, the description of which is beside our purpose just now, the two young boys were brought up in the family till their seventh year, after which the father had seriously to plan out

some means of maintaining them. Unfortunately for the poor youths, the father became short-sighted rather early in life, and this absolutely disabled him from looking after the needs and comforts of the family, and more so the upbringing of his sons. Practically, therefore, the management of all the affairs of the family entirely devolved upon the mother, who, be it said to her credit, was a woman of many good qualities and considerable patience, possessing also in a remarkable degree the virtues of a model Hindu housewife of the old type. With the meagre resources at her disposal, she ventured to remove to Tiruvarur and settled down in that city with the principal object of finding the means to give her children at least some rudimentary education in the Vernacular language, Tamil. No wonder that the ability to read and write that language, so as to enable the boys to earn their living by doing some humble work, was her highest ambition then. English education was not so common in those days in the southern districts and was wholly unknown in village *pial* schools. Amidst great privations and sometimes content with one humble meal a day, and with only the tender affections of a watchful mother who used to follow these young hopes of her life, whenever and wherever they went out, they managed to pick up some knowledge of the Three R's. This, too, was soon found difficult, chill penury driving them to seek for some paying work at once. Even the shabby tuition under the good-hearted schoolmaster who counted the two boys among his pupils and admitted them to the class, free of fees, had to be discontinued. In fact, the brothers had to begin earning before learning. This became a

sheer necessity and some work had to be accepted wherever available.

In a short time our young hero managed to become an *attache* to a Village Karnam (Accountant) and in this capacity he soon learnt the method of keeping Village Accounts. He was able to earn only what pittance his task-master, the Karnam proper, chose to offer for his apprentice boy. There was for obvious reasons no pay settled; Muthusami engaged himself only to learn some work under him and he could not claim any regular pay. The salary of the Karnam was itself very small and Muthusami naturally entertained no hope of any remuneration from the master whom he welcomed only as a patron. One month was over, thirty days' work was done and one evening he was given a rupee. When this rupee was handed over to him by the Karnam's wife—who by the way was treating the youth with more than parental fondness and was much pleased with his modest behaviour and often admired his incessant toil over his desk, so much so that she used to hesitate to assign to him any family work such as shopping—, Muthusami at first thought that he was being sent to the bazaar to make some purchases as usual. Then with a whispering humbleness, he requested the lady not to give him any work, as he had to get home within the usual hour and even explained that his detention would make his mother come out of her house in search of him, which trouble she should be spared. Presently the lady assured him that she had no such errand for him, that she would never do herself the injustice of exacting more work, especially, when the

work he was already doing for her husband so diligently, could not be adequately rewarded. What surprised the boy listening to her from a respectful distance was, that she further added that the rupee then in his hand was *his own* and was given him for his first month's work! At the same time she, in rather shy tones, expressed that her husband ordered her to give the rupee to "*Muthu*" coupling it with a sincere regret that he could not pay him more. But Muthusami lost not a second to assure her on the spot that even that sum was more than his expectations, that he was only, *in his own interests*, learning work and that he *had no right* to complain at all. He distinctly prayed her to convey his heartfelt thanks to his kind master and also to impress on him the fact that he accepted the rupee in no grudging spirit but with perfect satisfaction.

What joy and genuine content the youth experienced as he returned home that night; what immense satisfaction that even that single rupee would be a source of some relief to his dear mother suffering for his sake; what consolation that he too had contributed his share, however humble, towards lessening her troubles; how it tended to increase the fond mother's hopes of the boy's future can all be imagined only by those whose lot in life had afforded opportunities for similar hard experiences in early youth. Men born in affluent circumstances and bred up amidst all sorts of luxuries could not sufficiently realise the feelings which so readily prompted young Muthusami to be so jubilant over his first-earned rupee. Not only was the exchange value of the rupee worth more in those days, but, the

difficulty of honestly earning it was greater then than now and one might, therefore, readily rejoice at having earned it. The wages, however, rose to be Rupees Three per month within a short time and it delighted the boy very much. Yes—what a happy contrast this starting of his life's race with the insignificant wages of but a Rupee and his drawing, for the same period in later years, the comparatively princely salary of Four Thousand Rupees! Surely such a prospect was far beyond the wildest dreams of his younger days! From a *Nattu Karnam's* Assistant to a High Court Judge is a typical phenomenon of life's success—a rise from the lowest rung of the official ladder to its top—indeed, given to very few Indians in modern times!

Young Muthusami, thus rewarded, went home that night and gave the rupee to his mother. But she, not being so much satisfied with it, questioned the boy if that was all his master thought fit to give him for so many days' hard work. At the same time she failed not to encourage him with hopes for his future. Very naturally her indigent circumstances at home and her want of sufficient money to maintain the family—not to speak of her anxiety for the boys' decent education, if possible—made her at first wish Muthusami had earned something more in the very first month. A discussion with the son during the supper time so convinced her of his thankful contentment that she readily assured him that he did well to so modestly estimate himself rather than feel angry with his patron. With such humble behaviour towards his then superior and with no higher aim in life, he continued to please the Karnam, who gradually

appreciated the diligent habits and the great aptitude for work which marked his Assistant. He soon found Muthusami fit to be taken to the Taluk Cutchery along with him where, again, the boy attracted the notice of the officers and came to be publicly recognised as an Assistant Village Accountant. While still in such depressing want, the good mother died and the lads were thrown on the world with no relations near or remote, whose patronage and protection they could well count or depend upon. The mother's devotion to the two sons, whom she had always looked upon as very intelligent, rose up to an intense admiration which elicited from the youths a deserved response. Many a time had the late Judge been heard to say that he owed all his success in life to the self-sacrifice and perseverance which pre-eminently marked the character of his dear and loving mother who had on account of her children patiently undergone untold hardships and despite extreme poverty, constantly counselled them to develop habits of diligence and industry, in the full belief that these would help their progress in the long run. She had inwardly entertained very high hopes of our hero and though her mental vision could not have dreamt of the highest position of trust and honor in store for him, there was little doubt that she prophesied his brilliant future. Her unfailing enthusiasm and ever-watchful care in the matter of the boys' education and up-bringing, her loving kindness and cheerful services which just kept them from want—these inspired in the youths a real taste for reading,*

*"If I were to pray for a taste which would stand by me under variety of circumstances and be a source of happiness and cheerfulness through life and a shield against its ills, however things might

besides an innate sense of gratitude towards their fond parent, so much so, that, when a few years later Muthusami came upon that delightful poem of Cowper on "His Mother's Picture", he actually shed tears of grateful remembrance and often identified himself with that author in paying his sincere tribute of dutiful reverence to her who had moulded his character while young. The history of many eminent men in the world shows how their greatness was due to their mothers carefully bringing them up in early life and, undoubtedly, the mother of Muthusami deserves to enrich the list.

Through sheer force of self-help he thus continued to work on as the Karnam's Assistant till his twelfth year(1844,) when occurred those incidents which gave him a great lift.

During this apprenticeship, the Tahsildar of Tiruvarur was one Muthusami Naik, a generous-hearted and obliging person. Severe as he was in enforcing discipline on his subordinates and even prone to assert his own superiority, his occasional condescension towards a favored few tended to make him a popular man. In those days when communication was not so easy as at present, the mofussil executive officers on the spot, being free from effective supervision by the District administrators, domineered over the people as they chose and naturally Bahadurism was more prevalent among them. Mr. Naik was often struck by the beaming intelligence of the young Accountant who daily

go amiss and the world frown upon me, it would be a taste for reading."— HERSCHELL.

attended his Cutchery and worked in his own room, quite undisturbed by the bustle of the office. Our Muthusami while writing, was in the easy habit of squatting close to his desk which was no more than a short drawer with a sloping top, the like of which is still in use in some public offices. In those days chairs and tables were reserved for superior officers only, and Muthusami being accustomed from youth to trundle off sheet after sheet in the sitting posture before a simple desk, about a foot or two high, he found it more convenient even in after-life to write upon such a desk the voluminous judgments of which the young boy little dreamt when dealing with the figures of land revenue and measurements! Good fortune soon presented an opportunity for the boy to win the Tahsildar's recognition of his capabilities.

One morning the Tahsildar while at home received from a Village-officer a report of a breach in an adjoining river-belt there, together with a request to take prompt steps to get it closed. The Tahsildar thereupon sent for a clerk from his office, but, as there were no regular hours of working fixed, the peon found none in the Cutchery except young Muthusami who used to attend to his work in the morning hours also. The peon was returning, when, Muthusami called out for him and enquired what he wanted. Being told that the Tahsildar required at once the services of a clerk—or gumastah as he is called—and finding none else on duty, Muthusami ventured to approach the Tahsildar and so push himself forward. He thus accompanied the peon and no sooner had the latter appeared before his master with the slender figure of the boy half-hidden

by his side, than he was rebuked for fetching that *Piyal* (Tamil பயல்=urchin or little boy) who obviously could not answer his purpose. But the youth rose equal to the occasion, stepped modestly forward and with a bowing salaam, made bold to tell that high dignitary, of course, in a respectful yet self-confident tone, "Sir, no responsible gumastah being present in the Cutchery, I thought it my duty to obey the call and await your orders on any matter." The Tahsildar was simply struck with the precocious audacity of the youth, but on being further assured that he would *obey any order on any matter*, the report of the Village-officer was put into his hands—not seriously at all, but only that he might read it and get the clerk concerned to say what had to be done for it. In those days the Revenue Officer was in charge of such work and the P. W. Department had not, as now, the exclusive control over the river-floods and the repair of roads and communications. The Tahsildar was, of course, not well-informed in such work ; he only cared for the punctual collection of government revenue from the ryots. He did not obviously read the report through, but only kept it away with a running perusal. Young Muthusami then took the report aside and read it over and over again, carefully ticking it in important portions. He soon came out and enquired of the waiting messenger all the details about the breach, consulted him upon what had to be done for it, seated himself in the front side of the house-verandah, and drafted, accordingly, an order to the Village-officer to attend to the speedy repairs of the said breach, not omitting to give the necessary instructions about the materials to be used, their probable cost,

their available places, and such minute details, as though he had witnessed the breach-spot himself. This draft was forthwith taken to the Tahsildar for his signature and put into his hands with the request that it might be despatched, in advance, as the messenger awaited an urgent reply. The master naturally felt much disinclined to credit the boy's draft, and, being otherwise busy, asked him to leave it on the table and go back. But so anxious was Muthusami that his draft should be read by the master that he did not hesitate to again respectfully invite his kind perusal of it, as he had done the needful for his ready orders. Thank God, the Tahsildar condescended to comply with the suggestion and when he did read it, he was surprised to find it so good that, albeit he had his doubt as to its fulness or accuracy, he signed and sent it away straight on, considering the emergency of the occasion. The boy felt very happy and even inexpressibly joyous that his master had signed his draft though with some misgivings, immediately took an office copy of it and even without waiting for its being officially docketed and numbered, despatched it through the same messenger. The Tahsildar very properly added that he would visit the spot next day, if necessary on further report. Muthusami took leave of the master and returned—not to his home direct, though it was his usual dinner time, but to the office. And why? Young Muthusami waited at the office to meet the Head-gumastah and to inform him, in advance, of all that had happened and to hand him the office copy for file. In his own mind he also doubted the sufficiency of the instructions and so desired to show the order to the head of the office in order that he

might correct the order if needed, and issue a revised one. Though he had done his best, he feared he might have erred, and desiring to avoid the possibility of the Head Clerk pointing out any serious mistakes in the order and thereby prejudicing the master against his rising ambition, Muthusami deemed it indispensable to meet the Head Clerk early and obtain his approval of his venturesome action in a certainly serious matter, and to go home thoroughly satisfied, no matter if late. The Brahmin head-clerk read the draft and with his much-suppressed astonishment feebly complimented the youth on his having done so well, and actually got it filed. It was approved. Meanwhile, the master still at his residence had sent out another peon to bring the gumastah there and when the latter fast appeared before him, handed the Village-officer's report about the breach and told him that he had issued orders, a copy of which was with the boy—Muthusami—who alone was available in the morning. The head-clerk who was himself satisfied with the order already sent, very appreciatively assured the master that he had read it and that was all that could be done for it. He also added that the office copy had been duly filed. Here, again, was the Tahsildar's further astonishment of the boy's diligently informing the head-clerk of it! What should surprise us even more is, that Muthusami had also accompained the Head clerk, very anxiously though, to overhear what the Head clerk was speaking to the Tahsildar, so that he might reach home with an easy mind.

The promising talents, daring efforts and self-reliant spirit which this incident betrayed in the youth

naturally influenced the Tahsildar's favourable opinion about him, while no less triumphant and joyful, indeed, was Muthusami himself over the successful termination of his first venture in life.*

Here is another incident equally remarkable. One day a rich Mirasdar living in the suburb of Tiruvarur appeared before the Tahsildar, Mr. Muthusami Naik, and wanted to know what his revenue kist balance was for that *fasli*. Even then the revenue clerk of the Cutchery was absent, and the officer regretted that he had to ask the gentleman to call another day, if he could not afford to wait till the clerk turned up to the office. Our Muthusami happened to over-hear this and it struck him to forthwith leave his desk where he was copying some old accounts for his Karnam-master and he slowly came forward with his wonted modesty and bowed to the Tahsildar most respectfully. Questioned why he approached the table, of a sudden, the pushful

*This version of this incident is here differently worded from that of the Sketch in the *Madras Standard* dated 23rd May 1894. The allegations in the latter to the effect that Muthusami on seeing the report "went to the spot," "ascertained the details, and in a short time submitted a written report" &c., are wrong, as subsequently corrected by Sir. T. Muthusami himself when the present writer read it out to him. The fact was, that the breach was miles away from Tiruvarur and Muthusami could not go. It was the *ready* draft after his *diligent enquiries* of the very messenger who came from the breach—spot that attracted the master's notice, while he actually admired the prompt desire to push himself forward in the absence of the clerks, which was more than usual in lads similarly situated. Every step in this action was bold and so great his self-confidence that he ventured to ask the master not to neglect his draft; it was worth his perusal. The present writer himself contributed the Sketch to the *Madras Standard* and he therefore needs no apology to correct it himself for this publication.

boy whispered to the officer and prayed for permission to supply the information which that Mirasdar was then waiting for. Mr. Naik's recollection of the extraordinary intelligence the youth had already displayed in the Breach-affair induced him to comply with the request so eagerly made. And the boy without leaving the spot immediately gave out from mere memory the sum due from the Mirasdar, as balance, till that date and what actually amazed the two listeners was, that he detailed the kist due for each *tak* (தாக்கு)—a plot of land—owned by the Mirasdar in several *vattams*, territorial divisions of that Taluq. He seemed to recount the figures, as fast as if he were reading the accounts. But no. It was a simple feat of strong memory which was a distinguished trait throughout his career* No doubt the officer hesitated to place any reliance on the mere memory of the young boy, however admirable it was. He then asked him if the figures cited would be correct and the assurance was given. Whereupon, the Tahsildar sent the gentleman away, not without adding, however, that "as it was only a young boy's memory, it was likely an approximate sum; you may therefore come prepared accordingly, if you cannot now wait longer". The boy retired to his working room and the benevolent Tahsildar later on satisfied himself as to the accuracy of the balance-sheet in most of its details, which from that hour kindled in him an admiration for this "*marvellous*" boy.

Here, for instance, is an anecdote. Muthusami Ayyar was very ill for a few weeks before his death in 1895. One night in a delirium he was heard to repeat, curiously enough word for word, long passages from some of the judgments he had written when he was a Deputy Collector at Tanjore many, many years before. His retentive memory was thus very remarkable.

3

The question will be naturally asked, how came it that boy Muthusami who had nothing to do with the accounts of the *Vattams* not comprising the jurisdiction of his own Karnam, was able to display such wonderful memory ? It calls for an explanation. The boy while in his office would first look to the work assigned for the day by his Kurnam and that over, as it actually used to be over in less than the prescribed time, he devoted the leisure to study up the accounts of the other village-officers with whom also he moved in terms of familiarity and won their help at times—all with the view to learn the details of the revenue work and to equip himself for the office of Kurnam-in-chief—his next letigimate ambition. He always felt that he was above the average workman in the office and that his industry whould have its reward. In fact, it was his pride that his persistent working habit and his scrupulous avoidance of idleness from the earliest days had enabled him to succeed in life. Genius is only another name for unceasing labour and the exhibitions of extraordinary mental powers which have elicited public applause have in many famous men proved to be the result of patient toil in private, and seldom mere inspiration. And Muthusami has in later life very properly exhorted his countrymen to the advantages of well-directed industry and perseverance.

"I do not believe in genius without labour," said Lord Lytton and Dr. Johnson defined it to be "capacity for self-reliant, concentrated labour."

The Obituary-writer in the *Indian Journal* of *Education* for February 1895, Rai Bahadur S. Seshayya Avl., has related this incident otherwise :—

He says:—"On one occasion in the absence of the Accountant, the Tahsildar happened to ask Muttusamy Aiyar the details of the demand, collection, and balance of the village. The boy holding in hand a bundle of palmyra leaves—paper had not come into use in those days—and read as if from them, the details of the balance due. Unsuspectingly the Tahsildar took the cudgen bundle from the boy's hands, but to his surprise, found that it consisted of but blank leaves and demanded an explanation of what appeared to him a piece of audacious trickery. But he was soon satisfied that the memory of the young apprentice was as unerring as any written register could be."

With due deference to the writer of the article, it must be stated that our Muthusami had no occasion to come by the palmyrah leaves-accounts of the *Vattums* not entrusted to him, nor had the Tahsildar the knowledge that Muthusami was so up-to-date. So there was little need for the *audacious trickery* referred to. What surprised the master was the boy's willingness and courage to volunteer the information he had possessed about matters far beyond his legitimate work and, further, the fact that Muthusami did not like the Mirasdar to wait long. There was no occasion to so dissemble with the bundle in hand, for, it would anyhow be soon discovered, to his prejudice. The present writer distinctly remembers how Sir Muthusami Ayyar related to him this incident, in November 1893, and his notes of the interview also corroborated it. Sir Muthusami had told this writer that he even over-heard, out of an interested curiosity, the conversation that ensued between

the Tahsildar and the Mirasdar, wherein they—both Non-Brahmins—appreciatively observed. " See, that is a Brahmin's head! (பாப்பான் புத்தி அல்லவோ!). It may also be added here that as soon as the new version appeared in the Journal, the present writer discussed it with Mr. Seshayah, then at Kumbakonam, when, he said that he had heard the anecdote many years before and that was only his hazy remembrance. But the main point about his strong memory is admitted in either case and in the absence of the only reliable authority, any discussion on this matter becomes futile.

The two foregoing and interesting anecdotes have largely contributed to the future good fortune of the young boy and very soon raised his prospects to one step higher. Fully convinced that Muthusami was destined to achieve a high distinction in life—and to this happy foresight of the good Tahsildhar must be attributed all the laurels which Sir Muthusami did win in his brilliant career—this God-sent patron resolved to give him English education. Muthusami Naik had frequently noticed that the boy himself cherished a burning desire to learn that language, and the following practice of Muthusami evidenced it. On the way from his house to the Cutchery there was a *pyal* school kept by one *Chockalingam* and young Muthusami would stop and listen to the several urchins being taught their daily lessons in English, not without feelings of envy at their good lot. At times he would actually bemoan his own miserable lot to have to write accounts, with no better prospects. At other times he found comfort in the thought.

Never give up!—if adversity presses,
Providence wisely has mingled the cup;
And the best counsel, in all your distresses,
Is the stout watchword of—Never give up.

So he would day by day stand outside the class and most attentively treasure up the English words as they were pronounced for the other boys, so much so the teacher one day asked Muthusami who he was and why he should not get his parents to admit him into the school—a question for which he made no answer, quite unwilling to disclose his poor circumstances. Another day the schoolmaster was even kind enough to tell the boy that instead of standing outside as usual, he might go in and sit with the others, which, however, he refused to do unless he joined them. Days thus went on until such regular attendance of the boy had induced the curiority of the teacher himself, sufficient to privately enquire of his whereabouts and to learn that he had already won the admiration of the highest officer on the spot, the Tahsildar. Many a boy under his tution would inform the teacher that Muthusami had displayed extraordinary intelligence as a Kurnam's Assistant, which was the common topic in official quarters and, gradually, in several households. It happened one morning, again, that the teacher paid a visit to the Tahsildar, some of whose family children were also studying under him, and that fortunately for Muthusami, he noticed him mixing freely with the pupils there. The Tahsildar seeing our hero, then in company with his children, directed the teacher's eye to 'the yon dark-complexioned, well-built and modest-looking Brahmin boy and added that he was much pleased with "that poor

fellow." To the further surprise of the Tahsildar he heard from the teacher, in turn, how his *protege* was practically a *free-scholar* under him, only, 'the poor fellow would not listen to his constant advice about his regular admission into the class.'

Leaving the two benefactors thus engaged in their conversation, let us see what our Muthusami was doing then. He was, as usual, reading with the other boys; he suspected and feared lest the schoolmaster should casually inform the Tahsildar of his almost punctual attendance in the school for so long and therefore interestedly overheard what they were speaking, though he took particular care not to appear to do so. Finding that his name was associated with the conversation, he left his youthful friends as quietly as he could and slyly disappeared. The Tahsildar very naturally wished to introduce the youth to the teacher, as he had requested him to admit the boy and pay special care to his progress in studies, as 'one my own boys'. He, then called out for him. But lo! to their great surprise, he was not to be found within a near distance. The Tahsildar, however, commended him again to the teacher, but, this only made Muthusami discontinue his attendance, for, from that day he abandoned going home through the school and managed to walk to office or to the Tahsildar's bungalow by another, though longer, route.

When the present writer discussed about this matter with Sir Muthusami, the only explanation of this certainly strange conduct that the latter had to suggest was, that he felt very shy to depend on the poor

schoolmaster's grace and be indebted to him for the sort of elementary teaching which he could for nothing obtain by mere self-exertion. Forthwith he purchased an English Reader and commenced reading it.

All this considerably influenced the Tahsildar to take the boy under his special protection and he was determined to see to his happier days. Better times soon dawned upon this protege of his and in very short time —within about a month—he seriously advised the youth to instantly give up all his official drudgery and to mind about his further studies. Indeed, now was the first turning point in his life, for, under the blessings of Providence and his continued self-exertion, it has also proved the forerunner of his exalted distinction. It used to be said that many of the world's great men have become great by "something turning up" most unexpectedly in their life, which gave a fresh impetus to their activities and ultimately to their success. Similarly Sir Muthusami's success in life may easily be traced to such incidents and these, though few in number, had exercised so much unconscious influence in several ways that the youth's eminent talents came to be displayed before the very person who also had the will and the means to reward them substantially. Some may be inclined to designate all this as Chance, and some else as Fortune. Be it Chance or Fortune, in this case, it was either of these that brought out the youth's so-long latent capabilities needing only development under competent hands. The boy having proved to be very promising, the master was equally ready to stand god-father to his further prospects. Little wonder,

another incident, almost a testing trial, occurred which finally determined Muthusami's school career.

It has already been said that young Muthusami was in the habit of reading in the company of the Tahsildar's sons. This gentleman was particularly interested in his nephhew and he used to teach him some lessons in English whenever he commanded leisure for it. On all such occasions Muthusami was also taught the same. They were just then reading the English First Reader, and intending it as an incentive for the boys, the Tahsildar one day prescribed a portion of that book and offered a prize to the boy who could get it up within a week. This apparently funny home exercise and competition called forth the utmost energies of the two lads during that week, and the examination at the week's end showed that the Brahmin boy had gone through the whole book, while the nephew had not got up even the marked passages. This, once again, confirmed the master's prediction of the boy's great future—so commendable the boy's shining intelligence and so sincere Mr. Naik's enthusiastic appreciation.

No time was there-after to be lost in arranging for a course of higher studies for the boy and Tiruvarur had no proper school then. It was, therefore, resolved to send Muthusami to Negapatam, where there was a Mission English School. But when the matter was broached to the boy and he was asked if he would go to Negapatam, it was difficult for him to say yes, at once. No doubt he received the proposal with rapture, but then,

he feared giving up the appointment for which he had so well qualified himself and he hesitated no less to place absolute confidence in the generous offer of his patron, fearing, in his own heart, lest his support might at any time and for any reason be discontinued and he should thereby be left in great difficulties. Very properly he felt bound to debate over this aspect of the extremely affectionate offer on his behalf, and he felt very shy to express it to others. His father, of course, advised him to consent to it; for more than a week Muthusami remained silent over the matter, when, Mr. Naik suspecting the apprehensions of the boy, assured him that he had already become *his son*, and that he would spare no pains to comfort him and his family, and that he *must* proceed to Negapatam. It was on this occasion that he actually patted and kissed the boy and blessed him. When so embraced by true love, the bashful boy could not adequately repay his affectionate treatment and only stood speechless yet grateful. He indulged in no flattery, no formal thanksgiving; he remained self-reliant, as though he got only what he had deserved; full of reverence and affection, love within and God overhead.

Young Muthusami's habit of freely moving with the family of his benefactor afforded ample opportunities for the formation of good character even in early life—opportunities which inevitably developed the virtues of humility and reverence towards elders as well as affection and gratitude for those who were helping him up in life, and more than all these, diligent industry, enduring perseverance, and some self-confidence in the performance of his daily work.

He then started for Negapatam with the assistance of the good Naik, full of hopes and fresh aspirations. The bright-looking boy arrived at the house of the Naik's brother—the next good guardian of our Muthusami—and he in turn proved equally affectionate, which enabled the boy to devote all attention to his studies without care or anxiety. In a word, during the eighteen months of his scholastic stay at the Negapatam Mission School, he displayed extraordinary intelligenc and application to his books and soon won prizes and scholarships which attracted the teachers. And to this day, the Wesleyn Mission School proudly claims him among its *alumni* and prints his name in its reports and calendars, surely as a powerful incentive to the present-day pupils.

Muthusami's progress proving highly satisfactory and his teachers also assuring the Naik of a bright future for his favourite, insisting no less on the desirability of his further studies, the great patron did not hesitate to send him on to Madras to continue his education, with the determination to do his best for him.

> "There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune,
> Omitted, all the voyage of their life,
> Is bound in shallows and in miseries;
> On such a full sea are we now afloat,
> And we must take the current when it serves,
> Or lose our ventures—*Shakespeare.*

CHAPTER III.

SCHOOL-DAY REMINISCENCES.

"THE RECOGNITION OF A DETERMINATE PURPOSE IN LIFE AND A STEADY ADHESION TO IT THROUGH ALL DISADVANTAGES, ARE INDISPENSABLE CONDITIONS OF SUCCESS."

Proposal to go Madras—Some Parellel examples—Reaches Madras—Joins the High School—Lives in Mr. Madhava Row's house—Sir Henry Montgomery becomes his first European patron—His devotion to books—Professor Powell admires him—School education then and now.—Progress every year satisfactory—His Self-reliance and Mr. Powell—Physical culture neglected—Formation of character and manners—His reference to Mr. Powell—Sir Madhava Row corroborates him—Illustraive anecdotes.

THE project of going to Madras seemed a chimera for the youth who imagined the numerous difficulties in the way and had, at a moment of despair, even made up his mind to gently decline the kind offer. The reason was not far to seek. Himself absolutely unable to find the money required for an educational course at Madras, he, very naturally indeed, feared to venture in the matter, depending barely upon the promise of patronage, even though he knew perfectly well that it was the outcome of a well-meaning, philanthropic heart. He was certainly too young to judge of the Naik's genuine attachment for him or to take seriously the self-sacrifice which his *Ejaman*, the Tahsildar, was prepared to make in his behalf. He dare not, however, refuse to obey

the Naik's resolve that "Muthusami must proceed to Madras in order to equip himself to rise high in life." After vascillating for sometime within which better counsel had persuaded him, he at last yielded to the wishes of his benefactor and expressed his readiness to leave for Madras. It was indeed young Muthusami's fortune that his patron was not one of those whose liberal promises fell short in their performance; the Naik had in every way and throughout his life proved worthy of Emerson's observation that "there is a power in love to divine another's destiny better than that other can, and by heroic encouragements hold him to his task."

Biographies of eminent men all over the world afford striking examples of brilliant youths struggling with adversity and sometimes even abruptly choosing a bold line of action which has proved a turning point in their later career of success and distinction. Sons of humble parents, endowed with no more of what is understood by the term intelligence than falls to the lot of thousands of men who live and die almost in obscurity, have often attained enviable reputation merely by the timely display of strong,clear common sense aided only by integrity, good temper and presevering industry. Spite of their extreme poverty, they had contrived to educate themselves, presumably stimulated thereto by the instinctive consciousness of their mental energy, and assisted by some patrons of promising talents whom Providence sends as if to compensate their chill penury. The parents of Martin Luther —the great Reformer—could spare but very little from their scanty earnings and Dame Ursulla contributed to

defray the cost of his maintenance at school, and like other similarly-situated German students of the time, Luther used to perambulate the streets of Magdeburgh, singing hymns and songs solely to attract sympathising ears; and yet when he grew old, he shook the Papal throne to its foundation! Benjamin Franklin, the son of a poor soap-boiler and chandler, one among seventeen fellow-children, unable to find money for his education, was trained for his father's humble profession, though the lad's ambition wished to become a good sailor. But Fate had destined him for loftier purposes and he had to quit Boston, rather rashly breaking with his brother, actually selling his books for pocket-money and only smuggling himself off desparately to New York. He had not reached his 18th birth-day when he so cast himself upon the world and landed at Philadelphia—hungry, tired, dirty, verily miserable. Thereafter encountering various hardships and unsuccessfully seeking for remunerative employment with the worthless and pretended recommendatory letters, he reached England as a bravado. Friendless and moneyless, away from his native home by nearly 4000 miles, with nobody who knew him or cared for him, young Franklin found himself in a position scarcely favourable for any hopeful effort after fortune. And yet what happened then? From that moment, the dashful young man continued steadily to advance in knowledge, in wealth and in worldly position, attained great eminence in all America, became a distinguished member of Scientific and Literary Societies of Europe—earned the reputation of a great scientist himself—through his famous kite and lightning experiments—later on won a conspicuous distinction in diplomatic

circles—and was at last honored as the accredited Ambassadar of the United States. *

Such exemplary men serve as beacons of cheering light and hope to the masses of mankind, and shine upon the difficult path to true eminence, whenever this is due to men possessed of remarkable intellect, firm purpose, self-denial and energetic labour—qualities which unfailingly shed lustre in the full-grown man, however struggling and disheartening his early career might have been. In our own land may be cited men whose youthful days rarely indicated the future greatness achieved by their sheer talents and energy, and our hero was, as we shall see, one among them :—

> " Footprints that perhaps another,
> Sailing o'er life's ocean main,
> A forlorn and shipwrecked brother,
> Seeing shall take heart again."
> Let us, then, be up and doing,
> With a heart for any fate.

Muthusami soon reached Madras with introductory letters to Madhava Row, since Raja Sir. T. Madhava Row, who was a native of Tanjore District and in well-to-do circumstances. A small sum of money, a few books and clothes were all that he took with him to the metropolis which subsequently became the centre of his labours down to the last moment of his eventful and distinguished career. When he arrived there as a boy, little did he dream that in that very city was he destined to achieve the greatness associated with his honest, life-long work for his countrymen. Very little

* This reference to Franklin was Mr. Muthusami Ayyar's own and I have only amplified it.

did he believe that his benefactor, cut off from his close personal touch, would continue his benevolence throughout his school-life and to the extent his increased necessities would require; much less did he expect substantial patronage in that strange city and he had his own misgivings as to the gentleman who so kindly welcomed him to his home proving steady and sufficient for his long course of studies. The only consoling and encouraging thought in his heart of hearts was that he could depend upon his humility, industry and undisturbable devotion to his books to recommend him to those who would sympathise with a poor, aspiring youth. And in this he did not misjudge himself or his supporters. Mr. Madhava Row had just then finished his education and obtained the Proficiency Degree and himself a Tanjorean, naturally took delight in confortably boarding and lodging the bashful but promising young man. Muthusami so lived under his roof, keeping very good company with another equally bright, talented youth, and a relation of Mr. Madhava Row,—Ragunatha Row, now the Honorable Divan Bahadur Ragunatha Row. Muthusami at once joined the High school, the old name for the present Presidency College, through the assistance of Sir Henry Montgomery. This gentleman was long the Collector of Tanjore District and not only was he popular there, but, he used to regard the Tahsildar Naik with particular favour. A letter from the latter was sufficient for enabling Muthusami to easily win Sir Montgomery's affection. Sir Montgomery was also a member of the Board of Management and this facilitated his admission into the school. The good-natured Knight was well-known to take a great

interest in helping such poor Tanjore youths as proceeded to Madras for study and the mere circumstance that Muthusami was the protege of his Tahsildar friend Muthusami Naik, was enough to induce him to bestow more than ordinary care upon the youth's studies and habits, so much so, indeed, that in consequence of frequent requests and even reminders from the Naik, to "regard the boy as your own" and "as one entrusted to your personal care," the wants and comforts of the poor student were properly attended to and supplied. Thus he secured to his great fortune his "first European patron in life," who in course of time recommended him to many more of his friends. To add to this, his home influences and companions were nowise less instructive and less worthy, as he very often enjoyed the kindly counsel of Mr. Madhava Row who endeavoured to help his progress in studies in all possible ways, admonishing very unsparingly the bashful timidity which in an uncommon degree he betrayed even then.

It is needless to describe at length how the young man devoted his whole time and energy to equip himself with a sound and well-digested knowledge during his school course, in the full hope that it would enable him to rise to some position and to earn decently for his family. His bookish application earned for him the admiration, respect and love of all those who happened to know him then. He took especial care to cultivate his moral character, so far as he could in the midst of his able teachers and sympathetic patrons. His only care was to be well-up in his lessons and attract his masters. To achieve this, a very legitimate student-ambition,

he spared no pains and, for a long time, even denied himself much leisure and amusement. His study of books was always methodical and he hated mere skimming them. Those who have seen his old school books could form an adequate idea of the careful analysis and critical notes which adorned the margins on every page of his books and no wonder that such a critical and analytical method of study had helped him to command a strong memory which was the conspicuous feature in all his judicial services of later days. Unfortunately for us, Muthusami's library contained very few of his old books and the following is only a randon specimen of page 60 of "An Epitome of Alison's History of Europe" which Muthusami read in 1854. It is full of marginal notes in pencil in his own handwriting and is re-printed here for the reader. It may here be added that the front page of this book bore an autograph note by the late Mr. Justice Holloway, of whom we shall have to speak later on, in these words:—

"To Muthusami Iyer, as a small token of the high esteem and regard entertained for him by W. Holloway, Madras, 17th March 1854."

Thus in the acquisition of knowledge he never chose to adopt any half-hearted measures which mark the present-day students. There were no periodical examinations then as now to worry them; they were not required to swallow lessons in a gulp and spit them at each year's end. The very system of education in vogue in those pre-university days was conducive to a slow and sure mastering of whatever they had read;

in fact, it was the quality of the learning rather than the fascinating quantity that tested the capacity of the pupils, the success of the teachers and the prosperity of the institutions. Naturally, therefore, the teachers of those times felt it their duty to mould the young minds and guide their legitimate activities, which tended to a thorough grasp of every book on every subject the students handled, and as well to form in them a sound moral character in their impressionable years. This policy of personal supervision over the conduct of the pupils resulted in manifold advantages to the latter and fitted them up to the varied requirements ot the Public Service. All honor to the Professors who have enriched South India with the first and the best fruits of Western Higher Education, of whom our Muthusami was one. They were all first-rate men, imbued with a clear conception of their noble functions as teachers, while those who sat at their feet as pupils were no less inspired by an earnestness, docility and reverence to their *gurus* and, above all, by the desire to imitate the virtues of their gifted masters. Such sentiments in the teachers on the one hand and the taught on the other produced excellent results, notably that free mutual contact in and out of school hours which alone could remove both the supercilious air of the teacher and the ruining timidity of the students. The masters of that School further disclosed an amount of condescension and willingness to watch and superintend their pupils' domestic life as well as scholastic work with a freedom and zest that modern professors parading their affected reserve could hardly realise o appreciate, much less adopt. It is no doubt often urged

that such a personal communion between the teachers and the pupils was possible then, owing to the small number of the latter, unlike now when our professors have to coach up students huddled together in classes and divisions of unmanageable proportions which make it absolutely impossible for them to pay any individual attention. It is further contended that the very curriculum of studies then was not so miscellaneous in kind nor disproportionate to the period of study as now. These circumstances might to an extent justify the defects in the present attitude of our pedagogues, but it must be admitted that the men who in those days took to schoolmastering were remarkable for their briliant ability and even unsparing devotion to duty ; they were men who more lived up to their lights than sought the office for its monetary considerations and they were also men doubtless better fitted for that responsible task both by their mature age and worldly wisdom than the many inexperienced youthful pupil-teachers who because of their academical honors, are recruited to the teaching staff in our Schools and Colleges, obviously neither self-respecting nor respected. Those great teachers were imbued with a loftier conception of their duties towards the young men committed to their charge, while the good pupils themselves had been more dependent upon self-exertion and far less attracted by the comparatively frivolous engagements which nowadays mark the diary of a school and college youth.

The old High School was then managed by a Council of Education, composed of such able and liberal-minded Europeans as Sir Alexander Arbuthnot

Mr. William Holloway and Sir Henry Montgomery, its teaching staff boasted of Mr. Powell and other efficient Junior Professors. These gentlemen had abundant opportunities to watch over our Muthusami's school and home life, and from the very beginning of his connection with the school, they all evinced a strong and increasing delight in helping his studies. Within a short time after he joined the school, he gave proofs of his intelligence and diligence with which all his masters were struck. He further obtained a scholarship every year as the most forward pupil, besides annual prizes. In every class examination he beat out his competitors. He used to be *thorough* with his daily lessons and paid the closest attention to the teachings during class-hours. He was ever punctual in attendance and would go to school earlier than the other boys, that he might study without any disturbance. To briefly put it, he was so successful in his class studies that he passed the annual examinations with great credit and earned the the affection of his Professors and the School Council.

It is unnecessary, even were it possible, to describe here his school life at great length. Suffice to say that his diligent habits and earnest application to the work on hand elicited the appreciation and esteem of Mr. Holloway in particular, which proved so immensely useful for him in after-life. He was often regarded and known as the "*marvellous boy*," though among the school-mates of easy-going habits and less-reading propensities as "*Book-worm*," both of which appellations, however, he no doubt deserved.

Muthusami's school and college career is more interesting because of its numerous anecdotes. Undoubtedly he had so early laid the foundation for his future greatness by conducting himself so respectfully and modestly that he very soon grew to be a pet of his beloved master, Mr. Eyre. Powell, who then presided over the institution. The story is told that when Sir. Henry Montgomery used to advise the boy to meet Mr. Powell often and pay his respects to him who, he added, secretely entertained high regard for the pupil and desired to bring him up well, Muthusami as often made bold to express himself to the effect that he, being still in Junior classes and had not any occasion to greet the the Principal, should refrain from *soliciting* his acquaintance or seeking favour until he had by his progress in studies attracted his personal attention, sufficient to his voluntarily enquiring of his whereabouts, because that alone would create a really strong impression on his mind and perhaps also win his affection and support. But Mr. Henry's idea promptly inspired his best energies which in course of time brought about the intended effect, exactly as the youth had wished. The uniformly excellent reports the Junior masters made of Muthusami's remarkable perseverance and throughness in studies soon induced Mr. Powell—a lover of intelligence and industry in youths—to meet and assure the young man that he liked him most in the school. The Principal was struck with the beaming intelligence which marked the broad forehead of his somewhat dark, ill-clothed and uncouth pupil, while the latter in turn discerned in the other a sympathetic heart and benevolent interest for his success. Mr. Powell never saw the young man except

with a book in hand—so absorbed was he in his reading. Mr. Powell never observed him utter a single offensive word to his fellow-students or misbehave towards his teachers,—so gentlemanly was he in manners even then. Mr. Powell never missed to note the pupil's loftly ideal and his painstaking to realise it even under the most adverse circumstances. Good Mr. Powell, of course, often found this pupil absent in the physical games held out of school hours, but would never scold him for the absence, as he felt sure that Muthusami's non-attendance could not be due to any truant habits but to his fondness for devoting every minute to reading. Muthusami did neither indulge in physical exercises now ever cherish a taste for them. No pastimes, no amusements, no sight-seeings, no friendly gatherings, none of these, however innocent and even wholesome in themselves, would Muthusami take any part in. Mr. Powell, none-the-less indirectly advised his pupil to enjoy good rest without neglecting his bodily exercises, and on all such occasions, the kind master was informed that the precious hours at the metropolis, which his good Fortune and well-disposed patrons had blessed him with—ought not to be fritted away in learning mere physical games which without tution and expense could be acquired and practised even in mofusil towns and that he had accordingly resolved to store up to his best advantage all he could learn from his intercourse with the high-minded European Professors. Mr. Powell never disturbed this determination of his pupil; nor would the latter shrink from that resolve, albeit his school-mates and others tried all jokes with him and even nick-named him *Book-worm.* All this sort of

contumely and ridicule from jealous fellow-pupils, Muthusami pocketed with his even then characteristic patience and perhaps with a significant smile. And why? It could not be that the intelligent young man failed to appreciate the advantages of his simultaneous physical development, but only, he was never charmed by any predilections for out-door amusements tending to interfere with his serious studies. And yet when Muthusami grew old and attained eminence, he never hesitated to impress on all young men the need of physical culture. 'Without bodily health and vigour, sustained intellectual activity is impossible, and too much attention cannot be paid to physical training in this country, where parents often unwisely subject their children to a mental strain disproportinate to their bodily strength'.*

But he would not at all make it a compulsory part of the school curriculum, This is what he has said :—

"I would not ask the University take physical education directly into its own hands, that is to say, by making it one of the compulsory subjects in the Examinations. But schools and colleges should make it a necessary part of their curriculum and affiliation depend on such a condition."

Youth is the seed time of life and the College course the best opportunity of forming high character and good manners. There were, as we shall presently see, several occasions when Muthusami had displayed his

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* rom his speech at the Municipal High School, Mayaveram.

spirit of self-reliance and independence—an independence which never savoured of impertinence towards superiors and a self-reliance not inconsistent with due respectful obedience to any authority or discipline. On the other hand, his poverty in early life which necessitated his dependence, in one form or another, upon the bounty of his patrons and the need for its continuance till he attained manhood after completing his education, engendered and strengthened in him feelings of genuine gratitude and respect for all benefactors and well-wishers, besides unconsciously developing at the same time a spirit of broad-minded fellow-sympathy and justice which formed the bulwark of his judicial renown in later years. Undoubtedly the gratitude which is inherent in every Hindu, Muthusami felt and unreservedly betrayed. Never in his life did he forget the uncommonly affectionate treatment he had had the good fortune to receive at the hands of his masters and friends, and never did he fail to openly acknowledge, and whenever necessary repay, his indebtedness to such good men and true. By his commendable behaviour and hard work he earned the good will of his superiors then and he also proudly safe-guarded it. That is no mean honor to a student. As one who owed his higher education to the philanthropic Europeans such as Sir Alex. Arbuthnot, Mr. Holloway and Mr. Powell, he had early cultivated a respect for them and their nationality which with further patronage in his onward career naturally deep-rooted itself in his heart. Perhaps to this must be attributed the apparently conciliatory and, as some friends of his woud have it, even the timid attitude he adopted in dealing with the European community.

Indeed, it would have been strange, if it were otherwise! Though it was often his inclination, he seldom hesitated to overcome that sentiment whenever his official duty demanded it.

Mr. Powell's love of Muthusami never abated and the latter similarly reciprocated it. While presiding over the Anniversary ceremony of the Pacheappa's College, in 1881 the grateful pupil referred to that great moulder of his education in these words :—

"You may not now be in a position to appreciate and do full justice to the name of a good teacher. But I may tell you that I am one of those who have profited by the influence of good teaching. It was my good fortune to be a pupil of that great teacher who is remembered with gratitude throughout this country and whose statue adorns the Presidency College—I need hardly tell you that I refer to Mr. Powell. I have profited night and day—I say night because I have spent several evenings up to 9 O' clock in marking the course of planets and comets through the equatorial—by his lessons of earnestness and devotion to work, and by his frown at anything that was mean or silly and by his smile at anything good and noble. I may also tell you that in after—life many of those who had the good fortune to have been brought in contact with him have remembered him throughout their public career. *I do not say, therefore, too much when I publicly confess that if I know anything that is good, I owe it in a great measure to the influence which that great teacher exercised upon me.* There will, therefore,

come a time in your after-life when, if you will look back to the incidents of your school days and reflect upon the good qualities which have gained you distinction in life, you will be able to trace them to the influence which your teacher exercised upon you at a time of life when you did not fully appreciate it."

In this connection this reference to Mr. Powell by Sir T. Madava Row, another of his pupils, will be equally interesting :—

" But the best of my credentials is that I am one of the earliest pupils of that great man who is now peacefully resting on his laurel in his distant home, Mr. Powell. I love him, I respect him, I admire him, I reverence him as my great Guru. Such feelings on the part of the pupil towards his teacher are peculiar to the Hindu, and I am in this respect a Hindu to the very core. How he laboured for us—what rare enthusiasm was his—what singular devotion—He made our study literally a pleasure...........

"It seems as if it were only yesterday, yet, nearly forty years have rolled away, I vividly remember how heartily he joined us in our sports after school-hours ; how he then took us to the terrace of his own house and familiarised us with the solar system and the sideral heavens..........." —*Extract from his speech in the Presidensy College at a Prize Distribution.*

The following incidents relating to this period of Mr. Muthusami Ayyar's life will throw some more interesting light on his school-life and character :—

i. Muthusami was much indebted to Mr. T. Madava Row for his boarding for the first few years of his stay at Madras. The introductory letter referred to was written to Mr. Madava Row by Mr. Hari Row who was a good friend of the Naik-Tahsildar.

ii. Muthusami frequently received pecuniary assistance from Mr. Henry Montgomery who both on account of his liking for the boy and of his obliging his Naik-friend never grudged anything to make Muthusami comfortable. The Naik also continued his own contributions whenever necessary.

iii. Owing to Mr. Powell's eminent abilities in Mathematics, the boy also soon imbibed a taste for it, so much so, that the master would teach him lessons in Astronomy after the day's work was over in school, and till late in the night—and because he used to detain him so late, would take him in his own carriage and drop him near Muthusami's residence at Mylapur.

iv. Mr. Powell's appreciation of the youth's mental faculties and general attainments was so great thst he took special interest in his home life and character, down to his checking and auditing his accounts, himself occasionally contributing to his pocket-money.

v. Muthusami was often found to be reading his books under the temple lantern at Mylapore and he was ever studious. So the story runs.

vi. The following was narrated by Mr. Muthusami Ayyar himself to the present writer:—

One of the Junior European Masters of the High School finding that Muthusami had to walk all the way from Mylapore to the School then located at Nungambakam, and thereby wasted his time which he would

otherwise utilise for reading, expressed that he would gladly pay his jutka fare for each month. The young man with much shyness and out of mere necessity accepted the offer for some months. The very next year he obtained a Scholarship, sufficient to meet even that expense. When the kind master continued his paying the usual sum, Muthusami hesitated and after much altercation, actually refused to take it (Rs. Seven per mensem). The master tried several means to remonstrate with the boy and to induce him to use the money so willingly offered, but Muthusami would not yield. The master then called the school-writer, paid that amount to him and asked him to credit it in the school fee account of Muthusami for that month. The clerk obeyed and waited for Muthusami bringing him the usual fees. One day this was brought to the clerk, but when the latter said he had to pay less than the usual sum due for that term, he got surprised and questioned him. The explanation was ready, but Muthusami immediately went up to the good-hearted professor, fought with him "with a self-reliance" so characteristic even then. Notwithstanding the master's calling the donation a mere trifle given to one who deserved much more, Muthusami boldly argued with him and represented that having secured a scholarship, he no longer needed such help from his master to whose teachings he had already owed so much, that his refusing to accept was not to be construed as disobedience of his orders or want of appreciation of his help, that he felt convinced that the offer, however willingly made, had since become superfluous, that in these circumstances he had no right to take it and that therefore he

humbly requested to be allowed his own discretion in the matter. The master at last yielded with the remark that Muthusami's conduct on the occasion was admirable.

vii. While a student at Madras, Muthusami and R. Ragunada Row took a fancy for sea-voyage and though young, they both started from Madras to Negapatam. Ragunada Row's enthusiasm and venturesome spirit prevailed upon the rather orthodox and hesitating temper of his friend and while returning home for a vacation, they preferred—secretely of course—the sea-route. They both landed at Negapatam by about 10 a. m. as perfect strangers to the place, each with a bundle of clothes and books for their baggage. The Police naturally suspected them as truants by reason of their youth, and questioned them as to where they were coming from and going to. Unable to point to any particular person there, they were in a fix to answer him. But suddenly remembering that the Tahsildar of the place was known to his family, Ragunada Row made bold to ask the Policeman to take them to the officer's house. To their great disappointment, however, the officer did not recognise Mr. Rowji, nor did he stoop to enquire of them. The youths, however, prevailed upon the Policeman to allow them to go their own way. They stayed a few hours and then started off to Tiruvarur, Mr. Rowji leaving Muthusami at his residence and therefrom travelling on in a country cart to Kumbakonam, there being no railway communication at that time.

CHAPTER IV.

A "PROFICIENT" AND PRIZE-MAN.

"THERE WILL BE A TIME IN YOUR AFTER-LIFE, WHEN, IF YOU WILL LOOK BACK TO THE INCIDENTS OF YOUR SCHOOL-DAYS AND REFLECT UPON THE GOOD QUALITIES WHICH HAVE GAINED YOU DISTINCTION IN LIFE, YOU WILL BE ABLE TO TRACE THEM TO THE INFLUENCE WHICH YOUR TEACHER EXERCISED UPON YOU AT A TIME OF LIFE WHEN YOU DID NOT FULLY APPRECIATE IT." *

The High School Started—Mr. George Norton, First President of the Board—Mr. Powell, First Headmaster—Subjects studied—The new Proficient Degree—Official papers—Money prizes offered—Cultivation of Memory—Development of good character—Literary studies.

A brief reference may be here made to the Final Examination at the High School and to the "Proficiency Degree" or Diploma which formed the final test of one's Educational attainments prior to the establishment of the Madras University in 1857. The Institution now known as the Presidency College was founded in 1841 under the name of the High School of the Madras University, and was located in the buildings now used as the office of the Director of Public Instruction. It was intended to consist of two departments, the High School and the Collegiate. With a view to organise and regulate a system of education for Indian youths, there were various efforts made during the administration of H. E. Lord Elphinstone and the Central Collegiate Institution or University was sanctioned in 1840, a Board of Management directing its work. Mr. George Norton, the then Advocate-

*Sir. T. Muthusami Ayyar in his speech to the Pacheappa's College students, in 1881.

General, who took considerable interest in the spread of education in South India was appointed its First President and it is in recognition of his labours towards education that the grateful Madras public have perpetuated his memory by the portrait which now adorns the Pacheappa's Hall. Mr. Norton formally opened that Institution, the Madras University Board, on the 14th April 1841 and delivered a speech worthy of the great occasion, in which he clearly defined the objects of the University.—"The great practical results looked for are—the supply of a due proportion of our Native fellow-subjects to serve their country in all the offices of the State, the capacitating them to attain a just share in the administration of its affairs, the qualification of others to engage in the most liberal departments of active life, and the cultivation of those faculties in others which may render them ornaments or benefactors to their native land". *

The School, however, did not attract many youths and it underwent several changes both in its constitution and its nomenclature. The School was presided over by Mr. Eyre Barton Powell, a Cambridge Wrangler, who has done so much for Higher Education in this Presidency during his long service as an educationist. The High School Department had four classes in it and the School Final Examination was conducted at the end of the fourth year course. In 1853 it was raised to the Collegiate grade. T. Madava Row, a Seshiah

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* Vide Page 24 of the History of Education in the Madras Presidency by Mr. S. Sathianadan.

Sastri and others mentioned as the first fruits of the School had all passed through the course and left it just when Muthusami joined it in 1846. The subjects taught in the school were of a higher grade, including Grammar, Composition, History, Geography, English Literature, Mathematics as far as Spherical Trigonometry, Mental Philosophy, Principles of Mechanics, Vernaculars &c., &c., *

All this evidently involved immense energies before an young man succeeded in mastering the subjects and passing the Final Examination.

Apart from this School Final † which a majority of the students had easily passed, the Board of Governors instituted another new Examination for what was called the "Proficiency certificate." Its scope and object are thus described in the official documents of that period ;—

"It has been provided by the Subordinate Rules of discipline for the High School that a Scholastic Degree, that of a "Proficient" shall be conferred on such as have passed entirely through all the classes of the University High School. The attainments characteristic of a "Proficient" are so extensive as to qualify them (with such additional Scientific and Technical knowledge as would be requisite for every Superior Service) in a far superior degree than the General Test qualifications as proposed could do for all departments of the Service.

"The subjects prescribed for the new Examination and taught through the several classes of the High School were accordingly of a superior standard, comprising Higher Mathematies, Physical Science, Political Economy, European History, Mental and Moral Philosophy, Literature and Composition, Jurisprudence, &c., &c.,

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* Vide. p. 25, Mr. Sathianadan's History of Education.

† Strangely enough, the same name of the School Final Examination has just been restored 50 years later, to mark the end of a High School course.

"Any person producing a Certificate of a superior test and all "Proficients of the High School (who will be preliminarily required to obtain such certificates) shall have a preference in selection for the Public Service over other candidates who may have only attended a General Test, with special attention to scale of Honor."

It will be seen from the above readings that the subjects studied by the students of the old order were comparatively more varied and taxing, which made that education unquestionably superior to the Arts Curriculum with all its present-day bifurcation and trifurcation, not to say of its cheapness which should indeed shame the prohibitive fees new levied in the School and college classes*.

The results in the Examinations held from time to time and the nature of the studies by the youths are well described in the Educational Papers of Sir. Alexander Arbuthnot, from which the following are interesting extracts :—

" A Public Examination was held in the Presidency for the purpose of testing the attainments of the *Alumni* of the various Educational institutions and confering pecuniary rewards on the most distinguished, and certificates of Proficiency on all who might reach a certain prescribed standard of attainments. These examinations, as His Lordship-in-Council is aware, were instituted in 1840 and after having been discontinued in 1849, were revived again in 1854. They were instituted with the object of giving an impulse to Education by holding out the prospect of employment in the Public Service

* The rate of school fees charged in the Colleged Department was Rs. Two (2) per month and Re.1 for the High School Classes (*vide* page 34, Mr. Sathianadan's Education.)

to the educated classes and so to improve the qualifications of the Public employes. They were open to all persons not in the Covenanted Service of the East India Company, and *Three* pecuniary rewards were offered of the respective sums of Rs. 500, 300, aud 200, with an intimation that the names of the candidates to whom the rewards might be adjudged, and of all who should have attained a certain standard of proficiency, would be published in the Fort St. George Gazette for the information of the Heads of Offices.

"At the first examination held in 1840, 15 candidates appeared, in 1847—11, in 1848—4. Thus there has been a progressive decrease in the number of candidates until the last occasion when but one candidate came forward, a student of the Presidency College, and one of the six to whom Proficiency Degrees were awarded at the last anniversary &c., &c., (1).

"The Higher branches of knowledge have not been acquired at the expense of the lower, but the education of these youths has been sound and well-grounded.........Judging from the answers appended to the Annual Reports, Mathematics would seem to be the branch in which they have been most successful. Their written answers to questions in Literature are generally very well expressed, which may be in a great measure accountable for by their remarkable powers of memory, which frequently enabled them to recollect long passages of the authors they have been studying whether Prose or Poetry, and to write them down nearly word for word." (2).

Our Muthusami completed the High School course and successfully passed the School Final Examination. Then in 1854, a few months later, the Council of Education instituted a Money-prize of Rs. 500 for the best Essay in English and it was open to all students in the Presidency on the conditions already described.

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(1) *vide* page 49-para 108. Council's report for 1855—56.

(2) *vide* pages 119—20. Council's report for 1854.

Muthusami was eligible to compete and he was declared as the Prizeman for that year. His answer papers attracted the notice of Mr. Holloway who in high appreciation of its merits remarked, "Mr. Muthusami is one of those young men of whose intellectual attainments any country may justly be proud." The Essay was, as usual, published in the School Calendar for the next year.

Muthusami thus received the reward of Rs. 500 and with another sum of Rs. 75 which he then obtained as a school-prize for the year, he was entitled to Rs. 575 from the Council. The story was told by the Judge to the present writer that Sir. Montgomery contributed Rs. 25 of his own money as a gift and made it a round sum, which was presented by Mr. Powell to Muthusami—one of his most distinguished pupils. It would also appear that this sum of Rs. 600 was invested in Government Promisory Notes which to a very late day in his life he preserved as a pleasurable reminiscence of his brilliant educational career.

Before leaving this period, let us reflect for a while as to what had chiefly contributed to his remarkable success as a student and what lessons it offers for the young. The first distinguishing feature was his untiring industry both in and out of school hours, his determination not to waste a minute of his school life and his utilising its opportunities of improvement to the best advantage. This persevering energy resulted in his proving a "dexterous gleaner" in the mines of knowledge.

The second was his careful development of his memory. He had early recognised that no man has ever attained success on his merits alone without a really sound memory and that good memory is an indispensable qualification for any walk of life. Industry, intelligence, energy and uprightness was no doubt each in its own way a factor in life, but if one possesses a well-ordered brain, its display is made easier by the operation of memory, so much so that faulty memory often renders even natural intelligence abortive and deprives knowledge of its power. Mere persevering study becomes profitless, if after a time all the learning is forgotten, at any rate, is not ready for use. The students of the old type therefore adopted the proper method of study, when they read and re-read everything till they understood it and having understood, stored it up in their minds, which made them repeat long passages as referred to in the Director's report extracted above. That was not "cram" of the sort so much condemned at present. It was usual for every Proficiency Boy to select the author he liked most in English literature and to study it thorough. The best passages were committed to memory which was tested constantly. For instance, Mr. T. Madava Row chose Gibbon for his favourite study, as Addison was preferred by Mr. A. Seshiah Sastri. No wonder that the latter was distinguished for his genius in conversation with which he entertained Viceroys and Governors whenever these sought for an interview with that great statesman. And Mr. Madava Row's splendid speeches and writings were so much fashioned after Mr. Gibbon's flowing thought and diction. Muthusami's choice of an author

was equally suited to his own unostentatious behaviour and his good-natured simplicity for which Oliver Goldsmith was ever famous. Muthusami had committed to memory nearly all the excellent passages in the *Vicar of Wakefield* which he was in the habit of reading, whenever he felt his time dull. He had read it for the fifty-first time which was the last, only just a year before his demise.

Another noteworthy point was his assiduous care in forming good character.* Kindness to others and humility in himself were virtues he had cultivated when young, while his prosaic temperament was the result of the absence of prying curiosity or inquisitiveness. He had profited by the ennobling influences on his character through his contact with some master-minds. He was a hard worker from start to finish, which necessitated that recluse which made him rather shy in society and conservative in habits.

It was Nelson who said, "I owe everything in the world to being always a quarter-of-an-hour beforehand," and young Muthusami acted up to this motto.

These incidents are sufficiently illustrative of the young man's collegiate life at Madras and he left the

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* "Universities required human sympathy, human contact, all the valuable elements that go to build up character—for a University that produces nothing but brain and neglected the formation of character was no good University at all. The function of a University was not merely to pump knowledge into units by teaching, to extract it afterwards by examination, but to produce living men who are going to take part in the vast fabric of Society."—*Lord Rosebery.*

High School with excellent testimonials from Mr. Powell and all else associated with it. Mr. Powell had testified to the fact that Muthusami's attainments and his stock of general knowledge were decidedly superior to and far better digested and ready for use than those of most native young men he had come into contact with, whereas, his aptitude for Mathematics was of high order. His conduct was uniformly good and "gentlemanly." With such recommendatory blessings from his revered master and no less laudatory good—wishes of many foster-fathers, Native and European, he ceased his scholastic life which he had every reason to be proud of. Of him one might truly say with the poet:—

> " First at the form, my task for ever true,
> A little favourite rapidly I grew;
> And oft she stroked my head with fond delight,
> Held me a pattern to the dunce's sight:—
> And as she gave my diligence its praise,
> Talked of the honors of my future days."

Mr. Muthusami himself felt happy over his continued success at school and he used to delightfully repeat to himself those well-known lines, whenever he visited in later days any educational institution and particularly so, whenever he passed by the Presidency College in his evening walks or drives from the High Court:—

> " This fond attachment to the well-known place,
> When first we started into life's long race,
> Maintains its hold with fresh unfailing sway,
> We feel even in age and at our latest day."

In brief, as a contemporary writer has put it, "those years then, spent in the prolongation of his academic studies in Madras, under the influence of Mr. Powell and Mr. Holloway, must be taken to have played no unimportant part in rendering Muthusami Iyer able and willing to achieve greatness in his career, and yet to have engendered in him trains of thought, and the formation of rules of conduct, which are 'caviare to the general,' in the days when his career ripened to fruition."*

His name as the successful Prize-man was soon published in the Fort St. George Gazette and he was announced "as being fit for any service under the Government." The young man was thus ready to start his battle of life by turning his hand to any kind of work immediately available.

* Mr. F. Rowlandson, M. A. Bar.-at-law in his short sketch.

CHAPTER V.

IN GOVERNMENT SERVICE-(MOFUSIL.)

"THE PRIZES YOU GRADUATES, HAVE TO SEEK CONSIST NO LONGER IN BOOKS, MEDALS AND SCHOLARSHIPS, BUT CONSIST IN THE GAINS AND HONORS OF LITERARY AND PROFESSIONAL MERIT, IN THE PLEASURES OF AN ENLIGHTENED HOME, IN THE REWARDS OF A VIRTUOUS AND AN HONORABLE CAREER IN LIFE AND, ABOVE ALL, IN THE DISTINCTION AND FAME WHICH AWAIT THOSE WHO SEEK TO RAISE THE LEVEL OF THEIR COUNTRY IN INTELLECTUAL AND MORAL ADVANCEMENT." *

Mr. Powell appoints him a Tutor in the High School—Proposal to study for the I. C. S.—Joins Government Service as Clerk in the Tanjore Collectorate—Deputy Inspector of Schools—District Munsif—Two anecdotes—Inam Deputy Collector—Deputy Magistrate at Tanjore—Appreciation by Mr. John Bruce Norton—Testimonies of popularity—Sub-Judge at Madura—Exhortation on good Character for officials.

The old "Proficients" were, as shown in the previous chapter, comparatively more efficient and better fitted for the Public Service than the Graduates in Arts of modern times, while the small number of such highly educated youths had also a larger demand in the Government Offices. In fact there was actually a scramble amongst the heads of Departments to secure those young men and when once so secured, they were treated with special kindness and favour which often took the substantial form of rapid promotions, merely in view to induce them to stick to their offices.

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* Sir T. Muthusami Ayyar in his address to the Madras University Convocation in 1882.

That was not the time when either racial favouritism or personal prejudices stood in the way of selecting the best men available for public service. In those days the circle of choice was narrow and just when the East India Company's Government commenced employing the few educated Natives for service under them, obviously there was a great demand for this small band* of the High School Proficients, every one of whom soon rose to a very high official position, patted, of course, by their common teacher Mr. Powell who proved also a god-father to their official life. $ It was Mr. Powell who bestowed the first appointment on Mr. T. Madhava Row, by entertaining him as a Lecturer in Mathematics in his Collegiate Classes and even so, he employed Muthusami Ayyar—now aged three and twenty—as a Tutor in his institution on a salary of Rs. Sixty per mensem—indeed, a very handsome start which made him actually "over-joyous".

It was at this time when the noble-minded Principal promised, as a token of his further recognition of Mr. Muthusami's abilities himself to help him and induce

* For instance, Mr. Arbuthnot, the Director, in his report for 1853 has said that the number of scholars who had taken the Proficient Deegree till then was 36, and that without difficulty 22 of them had already been employed in the Public service on salaries varying from Rs. 40 to Rs. 315. (Vide, page 34 of Mr. Sathianadan's History of Education.)

$ But this demand did not continue long as the Provincial schools increased and the course of studies became easier latterly. Even so early as in 1871 the then Driector of Public Instruction Col. Macdonald had complained of the comparatively inferior sort of education which was imparted under the revised curriculum and the following extract from one of his reports is interesting :—

his friends to contribute, if the young man would proceed to England to study for the Indian Civil Service Examination. Muthusami Ayyar however had already been betrothed, which threw the strongest obstacle to the proposal, doubtless seriously made. His family members were by this time eagerly looking forward to the day of his earning largely enough .tc maintain them and would not consent to put it off any longer. Muthusami Ayyar had often said that he himself was not much inclined to undertake a long sea-voyage and to live in a strange country, the idea appearing to him "rather romantic". He had no precedent on this side of India which he could dare follow; none of his schoolmates similarly trained and even better situated, had chosen to do so; Mr. William Holloway whose interest in his welfare was no less than Mr. Powell's counselled him to be content with " local ambition," instead of aspiring for for what he chose to describe as, after all 'a remote chance of success in life'. It is now idle to conjecture

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"In Europe the genuine student sighs for the hour which will release him from further examinations and leaves him at liberty to commence the real studies of his life. In India education seems to bs viewed merely as a stepping—stone to preferment. The student pants for more examinations, and in the same way as he has mastered and thrown aside certain text books in literature, history and Mathematics, he proceeds to master all the various Codes, Manuals and Rules prescribed for the different Tests of the U. C. Service. The number of persons who have passed the examinations laid down for Deputy Collectors, Principal Sudder. Ameens, District Munsiffs, Tahsildars, and other similar posts is so enormously in excess of the demand that the majority of the applicants for these appointments must be doomed to a life of disappointment, and any scheme which would reduce this great and growing evil would be a boon to the Public service and to the cause of education"—(Vide) Page 92, History of Education by S. Sathianadam.

upon what Muthusami Ayyar might have achieved, if he had gone to England and succeeded—as he should certainly have succeeded—in the I. C. S. test, for, after all, it would seem that no career in the said service could have raised him to a position more remunerative or more responsible, or even more distinguished than the one wherein under the blessings of Providence and by his own exertions and integrity of character, he had attained and achieved the high esteem, respect and approbation of both the Government and the people whom he so faithfully served.*

After giving up this temporary appointment as Lecturer in the High School, Muthusami Ayyar entered Public Service as Record Keeper in the Collectorate of Tanjore, his own district. To this start in life, however low in the service, he was indebted to Sir. Henry Montgomery who was then a Member of the Governor's Executive Council and who desired to send the young man back to Tanjore.

But he was not to remain there very long ; in fact for the next few years he was obliged to constantly shift his work from office to office and frequently from one department to another, as we shall presently see. The following interesting incident which occurred before he left for Tanjore may be here briefly related :—

* Our illustrious countryman Mr. Dadabai Nowroji was 20 years old in 1845, just when he had finished his college education. Sir. Erskine Perry proposed Mr. Nowroji's trip to England to be called to the Bar. He and Sir Jamesetji Jeejeebai promised to defray the oost. But the proposal fell through for fear the youth might forsake the religious faith. As Mr. Holloway, Mr. Erskine years ater on met Mr. Nowroji in the India Office and told him that it was well his proposal had not been accepted, as his life had made far greater public usefulness than if he had become another lawyer.

"On the completion of his educational career, young Muthusami received a strong letter of recommendation to Sir. Henry Montgomery who was Chief Secretary to Government at that period. Sir. Henry declared that he would write to Mr. Muthusami Iyer whenever he required him. The First of April now happened to come round; so the late Sir. T. Madava Row who was then a Clerk in the Accountant-General's Office, and Diwan Bahadur Ragunada Row played a practical joke on him, and sent him a letter purporting to come from Sir. Henry Montgomery and requiring Mr. Muthusami to call at his house in Adyar. The young man was naturally highly elated, and having donned his best attire, gleefully set out for Sir. Henry's house, accompanied by the two practical jokers. At the corner of the Mylapore tank, however, these latter had to leave Mr. Muthusami; but they were unwilling to carry the joke any further, and so asked him to carefully read the letter which he was carrying in his pocket. This he did, but failed to discover anything amiss, and it was only when they raised a fold in a corner of the letter, and displayed the words "you are an April Fool," that the future Judge realised that his fond hope of immediate employment had been ruthlessly dashed to the ground. However, in a few days, a genuine letter from Sir. Henry did arrive and Muthusami was strongly recommended therein to the then Collector of Tanjore."

He continued as Record Keeper till 1st March 1856 when Sir. Alexander Arbuthnot, the Director of Public Instruction, took him over to his own department after insisting on the Collector of Tanjore, as a personal

favour even, to allow his clerk to change service. Muthusami Ayyar was then appointed as a Deputy Inspector of Schools on a monthly salary of Rs. 150, in which new and more responsible capacity he worked hard [in the districts of Suth Arcot and Tanjore and received the grateful appreciation of the people and the Educational Officers. Just then English education was being introduced in provincial centres and district interiors and this energetic officer soon displayed great ability in conducting the examination of pupils in the schools he visited and what particularly marked his work, was the establishment of several new schools in many Taluk interiors which, in course of time, so largely contributed to the spread of English education in South India. To this beneficent work in early life, he himself referred when in 1892 he presided over the prize—distribution ceremony of one of those very institutions he had so organised,—the Mayaveram Municipal High School :—

"I take special interest in this institution, for it is the result of progressive devolopment extending over nearly twenty years, and is in one sense the growth of the Taluk school which about 35 years ago I in the capacity of a Deputy Inspector of Schools, assisted in oraganising and establishing. At even so early a date there was a keen demand here for English education and it is gratifying to find that it has since grown and is growing."

Such good organising work and his zeal for spreading education in the interior tracts won the approbation of his Circle-Inspector Rev. Mr. Richards M. A., who in his

annual report referred in complimentary terms to the splendid services of Muthusami Ayyar. Little wonder then, that Mr. Arbuthnot, the Director, mentions the fact in these words in his report to Government for 1856—7 : "Of the Deputy Inspectors, T. Muthusami and his school-fellow* (V. Krishnama Chari,) have been specially commended by the Inspector under whom they have served, for their capacity to organise schools."

But this success brought on him an early transfer under very strange circumstances. Mr. W. Holloway who had all along been watching the progress of his protege and had formed a very high opinion of him was naturally desirous of getting him into his own Judicial Department and, being determined upon it, he wrote privately to his good friend Mr. Arbuthnot the then Director of Public Instruction not to object to his proposal to appoint Muthusami Ayyar as a District Munsiff. Mr. Arbuthnot whose love for the young man was no less, nor his appreciation of his Inspectorial work less tempting to keep him on in his own department, strongly protested against the request and replied that Muthusami Ayyar having already commenced good promising work ought to be allowed a free scope to display his organising talents. After much correspondence and altercation, demi-official of course, Mr. Holloway succeeded in prevailing upon his friend "to hand over the young man again to his care." Thus it was that on the 12th May 1857, after a signal service of 15 months in the Educational Department, Muthusami Ayyar was shifted to the Judicial, appointed as a District Munsiff

* The late Rai Bahadur. V. Krishnama Chariar, the Curator of Madras.

in the Third grade and posted to the Court at Tranquebar in the District of Tanjore.

As a District Munsiff he spared no pains to turn out equally commendable work. He introduced several new systems of keeping office registers and diaries, side by side the sanctioned forms for official inspection and after satisfying himself as to the desirability of suggesting them to the higher authorities for their adoption in the district made bold to do so and subsequently the new books were adopted throughout the district. His trial and disposal of suits evidenced a calm judicial mind even then. His naturally reserve temper often enabled him to maintain the dignity of his office and to administer impartial justice, such as he could honestly do. Even then he was betraying a love for hard work. Numerous ancedotes have been handed down to us which show his fearless work as a Judge and his courteous yet strict treatment to those who resorted to his tribunal. The following incident was related by Muthusami Ayyar himself to the present writer:—

"Mr. Beauchamp was then the District Judge of Tanjore. He had heard excellent reports of Mr. Muthusami Ayyar's work as Munsiff, and was often struck with his ably-written judgments. Having thought of taking the Munsiff once by surprise, merely to see him at work, he visited Tranquebar without the usual notice. Mr. Ayyar met the Judge at his lodging as soon as he heard of his arrival and conversed with him for a long time no his departmental matters. Mr. Beauchamp no doubt was struck again with his brisk appearance and quick

grasp of official instructions, besides being highly pleased with his description and method of his court-work. Quite contrary to the general dread among officers of those days whenever their superiors went on inspection tour, Muthusami Ayyar requested the Judge to grant him the favour of a searching inspection of his office down to the keeping of diaries and his trial of cases while on the Bench. The Judge readily complied with the request and attended the court the whole day, sitting with him on the Bench during the trial of a contested suit. Mr. Beauchamp returned home very much delighted with all that he saw of his subordinate and drove with him. Mr. Muthusami begged of his master to advise him orally and point out any defects he had observed, so that he might lose no time in removing them. But there was no answer on the spot. Mr. Beauchamp returned to his headquarter and recorded his opinion that "Muthusami Iyer was one of those who were fitted to sit with him on the same Bench." All honor to Mr. Beauchamp, for, how few of our present-day Civilian Judges would write like that about an Indian subordinate!

Another anecdote narrated below for the first time is equally illustrative of Muthusami Ayyar's strictest regard to official decorum and dignity, even at the risk of apparent personal discourtesy :—

In a civil suit which came on for trial before him in the Tranquebar Court, an old-fashioned village pyal master who once taught Muthusami Tamil alphabets in his boyhood at Tiruvarur happened to appear as a witness. The old man unaccustomed to the etiquette

of a court took, while answering questions put to him by the pleader engaged in the case, rather undue advantage of his former acquaintance with the Judge whom he recognised easily that day as an old pupil of his, and behaved rather impertinently in the box. The shrewd Judge also, almost at first sight, recognised the witness as his former teacher, but took care not to betray it, not failing, however, to mildly warn the old man against such misbehaviour. The old man could not perhaps answer to the points of his case and prevaricated under the shelter of a probable tolerance by the pupil-Judge. But no; the Munsiff finding all his gentle admonishings ineffective, ordered him to be removed from the box until the old man grew calmer and fit to be brought again for further examination. The court-peon approached the irritated old man who suddenly exclaimed in an indignant tone and, much to the surprise of every one present there, "what fellow, Muthusami, you have grown proud enough to so rebuke and threaten me, your old teacher." The man was nevertheless removed and after a few words of advice by the officers of the court, re-examined and he too deposed calmly. After the deposition was signed by the witness, the Judge ordered him to be detained in his office room until the day's work was over, as a punishment for his disorderly conduct. The Judge however fast finished his work for the day and proceeding to the room where his teacher was waiting, drove him to his house and there paid his respects to him, besides presenting him with some money as an humble token of a grateful pupil—not however, without the necessary admonition, unoffendingly worded—that in future he should not misbehave

himself similarly elsewhere. It would also appear that the suit failed for the party on whose behalf this witness was cited.*

He was not to continue, however, in this office for long. In a few months he had to change again for the Revenue department and this time to a higher grade. Just then the Inam Commission was appointed with the object, as Sir. Charles Trevelyan has described it, "of quieting the possession and giving the Inamdhars Parliamentary titles." This Commission was formed in November 1858 during the administration of H. E. Lord Harris, the Governor, who appointed Mr. George Noble Taylor as its responsible head. Very soon Sir. Charles himself became Governor and his attention was drawn to the rules framed and propounded by Mr. Taylor with regard to the working of the Commission. The agency to conduct the investigation consisted of the Commissioner, two Special Assistants and a number of Deputy Collectors. The newly-organised department naturally called forth the best energies and talents then available. No wonder that a good number of educated men fresh in service offered themselves for employment. The selecting authorities found it a difficult task and the exercise of discretion without fear or favour became more delicate. A perusal of the newspapers of those days would easily portray to us the very violent agitation carried on among the Uncovenanted Deputy Collectors and other equally educated natives. Sir. Charles

* This incident was narrated by one of the speakers at the condolence meeting held at Negapatam in 1895, who was an old gumastah of the said Tranquebar court.

Trevelyan writing in his Minute on the Inam Commission and the appointment of its subordinate agency to serve under the Chief Commissioner Mr. Taylor, said:—

"The adjudication of Inams according to these rules will require trustworthiness and intellect of a high order. Fortunately the sifting which the Uncovenanted Service of this Presidency has lately undergone for the selection of Deputy Collector's places a large body of highly-qualified officers at our disposal. Forty have been appointed, while twenty more have to be selected, and such is the public importance of a speedy and satisfactory settlement of Inam lands of the Madras Presidency that the Commissioner ought to be permitted to select from the whole sixty those whom he considers best fitted to act under him and to select as many as he can, from time to time, to effectually superintend."

Mr. Taylor unhesitatingly resorted to the High School Proficients and secured their services--well-tried by that time—and it reflects great credit on the latter that most of them laboured hard and expedited the work of the Commission. Mr. Muthusami Ayyar was also one among the selected Deputy Collectors and he was placed under Mr. V. Ramiengar. In this capacity also he acquitted himself very well. The head of the department thankfully acknowledged the services of the staff as is evident from the following extract from the Report of Mr. W. T. Blair, officiating Inam Commissioner, dated 30—10—69 and addressed to Mr. R. A. Dalyall, Acting Secretary to Government, Revenue department, para. 74, in which mention is made of those who were instrumental in accomplishing the object of the Commission. The credit therein expressed was no doubt due to all, of whom Mr. Muthusami Ayyar was one :—

"In the selection of his subordinates Mr. G. N. Taylor was singularly fortunate. The Special Assistants and most of the Deputy Collectors were men who had received a superior English education and who had brought to their work ability of a high order, great assiduity and strict integrity, and the popular reception of the Commission is in no small degree to be assigned to the influence and respect they personally commanded among their fellow countrymen."

Thus after serving with such marked ability in the Inam Commission as Deputy Collector for full three years, Mr. Muthusami Ayyar continued in the same office but with Magisterial powers also vested in him. He was posted to the North Arcot district and thence to Tanjore City. In both places he displayed his abundant energy and efficiency in Magisterial as well as Revenue work ; and well-up as he was, meanwhile, in all the departmental Codes and Regulations, he distinguished himself as a popular officer. Providence, however, had destined him for a far superior work in life, and under His blessings, therefore, another incident occurred during his stay at Tanjore, which resulted in a considerable lift to him in the public berth :—

Once a rich sowcar was charged with the offence of cheating, and Mr. Morris, the District Magistrate, referred the case to Mr. Muthusami Ayyar for enquiry. Mr. John Bruce Norton, Barrister-at-law, the father of Mr. Eardley Norton of our day, appeared before him as Counsel and after a prolonged trial lasting for fifteen days, the Magistrate cemmitted the accused to the sessions. Mr. Norton was so much struck with the Native Judge's abilities that on his return to Madras he told his friends Mr. Holloway and Sir A. Arbuthnot

that "Judicial talent of a very high order was wasted in the Revenue department."

As Muthusami Ayyar had often remarked, his rapid promotions were more or less accidental. Just at the time when Mr. Norton so complimentarily referred to the abilities and particularly to the judicial talents of a high order which Mr. Ayyar even then possessed, there occurred a vacancy in Mangalore which needed an officer very well acquainted with the then new Civil Procedure Code. Mr. Muthusami Ayyar was in the habit of equipping himself with all up-to-date knowledge required for his work and in the circumstances presently to be related, he was appointed as Sub-Judge of South Canara on the 9th July 1865, which office was then known as the Principal Sadarmain. The late Judge himself narrated this incident to the writer and certainly it is remarkable, nay, unique.

Three names were required to be suggested from among the best hands available, so that the Government might select one. Mr. W. Holloway in his demi-official note wrote Mr Muthusami Ayyar's name *thrice*, instead of suggesting three different names.

Mr. Muthusami Ayyar.
Mr. Muthusami Ayyar.
Mr. Muthusami Ayyar.

and none else—so great was Mr. Holloway's love for him that he lost not a single occasion to demonstrate it in the interest of his protege.

How the new Sadarmain worked hard in his new sphere, winning, as usual, excellent opinions from the

Manglore public and how he bore his high calling with unassuming dignity and integrity of character, it is not possible at this distant date to adequately realise ; but it is possible to appreciate the inference which a perusal of the speeches delivered at the Memorial Meeting of the Manglore public held there to condole with the Judge's demise, forces itself upon the reader. The sentiments expressed by men competent to speak on this part of his career are full of respect, love and admiration for their *quandom* Judge, while the confidence which he had commanded among the people was a sufficient testimony of his popularity. He not only performed his assigned task in Court extremely well, but readily utilised his leisure hours to the spread of education, the promotion of fellow-feeling, and so forth, of which we shall hear from Mr. O. Chanda Menon, Sub-Judge, who paid a graceful tribute to Mr. Ayyar's work there and also from Rao Bahadur. Shiva Row, Pleader, who has treated us to many interesting details :—

I

"There are, gentlemen, among those present here now, a few who had the honor of intimately knowing him and associating with him. Foremost among them, is my friend Rao Bahadur Shiva Row. While Sir. T. Muthusami Iyer was the Principal Sadarmain of this place our friend was just entering his profession as a lawyer. He had the good fortune of beginning his profession under such an illustrious Judge. That Sir. T. Muthusami Iyer had a hand in moulding Shiva Row's character as a Pleader, is daily brought home to my mind on all occasions he argued a case before me. Mr. Shiva Row well remembers the geniality of Sir. T. Muthusami Iyer's disposition and his earnest desire and readiness to help others ; but it must be remembered that Mr. Shiva Row's acquaintance was with the young Muthusami, the Principal Sadarmain of Mangalore, and not the mature Muthusami, the High Court Judge. He was hardly 33

years old when he came here, and yet the impression the comparatively young Judge made on the minds of the people here was that he was not only an extremely well-read lawyer and jurist even at that early age, but also a very patient, hard-working, careful and safe Judge, who did his work very conscientiously and unostentatiously—a gentleman whose urbanity and accessibility in private life were remarkable, and who was quite free even in his youth from pride, vanity, self-sufficiency or any kind of self-conceit. That he had won within the three years of his residence here golden opinions of the public of Mangalore both as a Judge and a gentleman, goes without saying. He was facile of access, so courteous and affable, so free from pride, that it was simply impossible not to love, respect and admire him as soon as you come in contact with him."............

"Gentlemen, there will be no excuse for the people of South Canara to fail to help the great movement of the Madras public to do honor to the memory of the great Judge. Again, of all the people in the Western districts of the Province the people of South Canara ought, in my opinion, to come to the front with a purse to help such a great project, because it had been the good fortune of this district to have had the deceased gentleman amongst them for some years as their Sub-Judge and to enjoy the benefits of his just and impartial administration of justice. I know he remembered your district well and often enquired about your welfare. He did much to explain and reduce to a system the Aliasanthana law of this country. Gentlemen, under such circumstances, it is hardly necssary for me to remind you that your relations with the good deceased are not on the same footing as those of the other districts, but that there are special and peculiar circumstances in them which emphatically entitle him to your gratitude, love and respect............"

II

Rai Bahadur N. Shiva Row's remarks at the same meeting throw more light upon Mr. Ayyar's careei at Mangalore. After expressing his deepest sorrow, he said :—

" The previous speakers have already ably addressed you about this great man's extraordinary legal attainments and they are too well known to require my feeble voice to support his fame. I will therefore confine myself to some of my personal reminiscences and to the active part which the great man took in measures calculated for the well-being of our district.

"It was 30 years ago in 1865 soon after the old regulation and practice have been superseded by new Codes, Civil and Criminal, that he was sent out here as our Principal Sadr. Amin. I was a young practising Vakil at the time of only 2 years' standing. I should always remember of this distinguished man under whom it was my good fortune not only to practise but to learn law. It may be a fact not known to many that he used to utilise his holidays in delivering law lectures to us and discussing with us on legal points."

"I must in view of other important matters to be settled at the meeting refrain from saying at any great detail the various things with which his name is connected in this district. But I cannot overlook one great blessing, the establishment of this Government College, the agitation for which, if not initiated by him was one in which he took an important part."

"It was he who read the people's address to Lord Napier in the parent institution at the foot of the Lighthouse hill."

"Need I say, then, that we of Canara should more than others hold him in grateful remembrance."

"Even after his elevation to higher posts in the Capital of our Presidency and ultimately to the High Court Bench, we found him to be the same genial, affable and unostentatious man that we found him to be in Mangalore. I had frequent occasions to go to Madras and I always made it my business to see him every time. I found he never lost his touch with men and things here and could remember even his meanest clerks by name and would make kindly enquiries concerning them all."

Before entering upon Mr. Muthusami Ayyar's transfer to Madras, the final scene of his more memorable activities, we may refer to his appointment as the Judge of the Court of Small Causes at Madura in July 1877 where, however, he stayed only for a few months, till April 1878. This appointment is referred to here in anticipation for convenience sake, as it practically completes Mr. Ayyar's services in the Mofusil. When he proceeded to Madura he was in the vigour of his health and

mature in knowledge and experience, coupled with a reputation for remarkable abilities and scrupulously good character. It is easy to imagine how an officer of his type must have exercised his personal influence on the general public as well as on the officials he came in contact with. His character, blameless as it was, largely helped to raise the tone of official morality which was at that time unfortunately at its lowest ebb there. He made it a point to spend his leisure hours in the company of the practising Vakils and gently hinting to them and other local officers at the need for their maintaining a high character as officers of Government or advocates of the people. He had ever remembered with self-satisfaction his humble contribution to make his fellow—officers regard official character as a superior virtue and it is apparent from the interview published in the *Madura Mail* when on his return journey in 1894 from Rameswaram he related some of his reminiscences of his stay at Madura to a reporter of that weekly-paper. In fact, in season and out of season he had endeavoured to impress upon his countrymen the importance of forming, cultivating and maintaining a high character and the address which he delivered to the Madras University Convocation in 1882 emphasised this essential virtue in every individual,—an advice which he was pre-eminently competent to impart to the rising generation of India. His character as a man and as a Government servant was beyond question and he was anxious that his countrymen should also possess it likewise. Here are a few of his thoughts on this subject:—

"Remember that he who has no force of character, but who suffers himself to be so seduced into false principles by the necessities

of ambition or of self-interest, or by the partialities of relationship or friendship, cannot respect himself in the sober intervals of reflection, however talented he may be, and whatever success he may secure for a time; and that he who has no self-respect has no right to expect that others should respect him."

"It is impossible to rate too highly the importance of high character for integrity among natives in the Civil Service. One corrupt man will not only ruin himself but will also bring discredit on the whole class to which he belongs, and I must say from my experience that the official estimate of native character for probity differs at times chiefly from the estimate generally accepted as true in the socicty to which the officer belongs. To preclude the probability of error on the question of character, I would suggest the appointment of a Board of representative gentlemen of high social official position in each Presidency town, who may be consulted with advantage by Government in regard to persons promoted to the Civil Service."

CHAPTER VI.

IN GOVERNMENT SERVICE (AT MADRAS.)

"A MAN NEVER RISES SO HIGH AS WHEN HE KNOWS NOT WHITHER HE IS GOING" :—*Cromwell.*

Goes back to Madras and is appointed Police Magistrate—an illustrative anecdote—Passes the B. L., Degree Examination—Mr. John Bruce Norton's opinion—Lord Hobart appoints him as District Judge but in vain—Becomes Judge of the Small Cause Court—Learns German Law—Mr. Holloway helps him again—His impartiality illustrated.

Mr. Muthusamy Ayyar came back to Madras after his brilliant career in mofusil and there was no more transfer which required him to serve in the out-stations. In July 1868 he was appointed as a Police Magistrate in the City of Madras and Mr. Ayyar enjoyed the staunch friendship of Colonel Weldon, his colleague. Mr. Maskell, the Magistrate on leave, returned to duty but, after a short interval died soon. This led to Mr. Muthusamy Ayyar being confirmed in his acting appointment. Even at this period of his judicial work, Mr. Ayyar had formed a high ideal of Justice and the policy of administering it to the public. He was resolved to do his best to be impartial and all disinterested critics have declared that Mr. Ayyar had admirably kept up to his ideal. The task of Native Judges dealing with British-born offenders was always delicate and it required an exceptional strength of character and mental independence to administer even-handed Justice. Mr. Muthusami had to face such a cruicial test when trying a case as Police Magistrate. His friends and admirers,

Indian and European, eagerly watched the trial of a European, a High Court Judge of Madras, on a charge of assault under circumstances narrated hereunder and when the trying Magistrate Mr. Ayyar, enforced the rigor of the law, and maintained its majesty by actually finding that high officer guilty, uninfluenced by considerations of rank or race, it afforded another opportunity for wondering at his lofty conception of his sacred duty as a Judge :—

"When he was Police Magistrate a native who had been thrashed by a European, a High Court Judge, for alleged trespass into the latter's premises applied for a summons against that official for assault. M. Muthusawmy Iyer did not resort to the temporising procedure of issuing a notice to show cause, as it is ealled; but immediately issued the summons asked for. His Senior Magistrate later on proposed at the trial not to insist on the appearance of the High Ceurt Judge. But this Mr. Muthusawmy Iyer would not accede to. The result was that the High Court Judge had to appear and was fined Rs. 3, for a breach of the law which he had to administer."*

The writer of the above anecdote has commented upon it in terms which very few would question. He was one of those who intimately knew the Judge :—

"There are a number of stories of this description which clearly show that with the late Sir T. Muthusamy Iyer personal considerations had no weight against the claims of duty. It has deen hinted on more than one occasion that the deceased Judge lacked independence in his dealings with Europeans. If a desire to conform to the respectful social customs of his country when coming in contact with Europeans can be construed want of independence, Sir T. Muthusamy Iyer was not an independent man; but of the independence which makes no diflerence between high and low, rich and poor in the matter of right and wrong, he had an abundance."

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*_Vide_ the Madras Mail, 26—1—85.

It was when Mr. Muthusami Ayyar was a Presidency Police Magistrate at Egmore that he devoted his leisure to the study of Law for the B. L. Examination. This he passed very creditably. Mr. V. Bashyam Iyengar, who later in life distinguished himself also as a great jurist, passed the B. L. in the same year as Mr. Muthusami, in the First class and headed the list. Our Muthusami Ayyar, too, was placed in the 1st class. In recent times and particularly when Sir. V. Bashyam died in 1909, the writers and admirers of Sir. Bashyam referred to this fact, as if to suggest that Sir. Bashyam was mere erudite in law as a B. L. Without entering into any discussion on this rather delicate point, suffice it to remind the public of the following passage in one of those remarkable addresses of Mr. John Bruce Norton on Educational Topics which he had delivered at the Anniversary meetings of the Madras Pacheappa's college,—a passage which explains very satisfactorily this small difference in their pass-results :—

"Let me mention our excellent townsman and Magistrate, Muthusami Iyer, who has never relinquished his studies."......................

"And at his age, and while occupying a seat on the Bench, he has had the moral courage to present himself for examination for the B. L. Degree. Rumour speaks of his having done excellently well ; and indeed I hear that he has obtained a First Class. If he is not at the head of the list, he has only been beaten by a very few marks by a younger competitor who, it must be remembered, has had the advantage of being able to

devote his entire time to his studies, while Muthusami Ayyar has had all his Magisterial duties to perform, and has only been able to devote his leisure to fitting himself for his examination. There have been First class men in the B. L. degree before; but then the standard was two-thirds of the whole number of marks; now it has been raised to three-fourths."

Mr. Muthusami Ayyar's work in the Police Court was equally satisfactory and deserving of a further lift in the service. He was then appointed to be a Judge of the Court of Small Causes at Madras. This was no less responsible office in the Judicial service and even here he turned out excellent work. The Government of Madras was naturally pleased with the uniformly brilliant services of Mr. Ayyar and being convinced that he was fitted for a higher tribunal, decided to appoint him as a District and Sessions Judge under the Civil Service Regulations just then brought into force in this Presidency. This recommendation by the then Governer His Excellency Lord Hobart met with an immense praise from the native public and the Government was applauded for its first forward step in recognising the claims of the educated natives. The interested communities were, of course, busily protesting against this liberal policy of the Government, in result, the proposed appointment was cancelled owing to some technical quibbles in the interpretation of the existing Regulations, which went against a native being appointed to such office.

For the eternal glory of the British nation, instead of relegating the natives of India to the inferior

positions in the Public Service, the statesmen of those early days elected to govern them on liberal principles. Accordingly in 1833 the British Parliament had declared by Section 87 of the famous Statute of that year that "No native of the said Indian territories, nor any natural—born subject of Her Majesty resident therein, shall by reason only of his religion, place of birth, descent, color or any of them, be disabled from holding any place, office or employment under the Crown." So that the policy of freely admitting Natives of India to a share in the higher spheres of the administration of the country had long ago been so broadly and emphatically enunciated. As if that were not enough to impress on the authorities in India * the wisdom of such a policy, once again and a quarter of a century later, a far greater personage, in fact, the fountain of all the authority and might of the Empire had re-iterated the policy and uttered words of hope and cheer to the Indian people, giving therein distinct pledges as solemnly as any responsible statesman or a benevolent sovereign could do, to the effect that the same high-minded principles of justice and generosity would for ever guide the Government of India. The noble Proclamation of 1858 issued on the auspicious occasion of Her Majesty's assumption of the direct control over India's destiny, had further vouchsafed to the subject races that the said Magna Charta was not a mere declaration of the principles of Government nor a document conveying formal promises or good intentions, but that it was a serious pledge which Her Majesty's Government was bound to give effect to. Or else, what meant those

significant and unambiguous expressions of her desire put under the great Queen's seal.—

"We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects and those obligations, by the blessings of Almighty God, we shall faithfully and conscientiously fill."

"It is our further will that, so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge."

"In their prosperity will be our strength, in their contentment will be our security and in their gratitude our best reward. And may the God of all power grant to us and **to all those in authority under us, strength to carry out these our wishes for the good of our people.**"

In the face of such a declaration by the highest authority in the realm, the then Government of India hesitated te move in the direction, even though the Provincial Government of Lord Hobart had most willingly recommended Mr. Ayyar as one who was duly qualified by his education, ability and integrity to discharge the new duties. The unexpected veto by the Government of India which, to use the phraseology of a subsequent Secretary of State for India, amounted to simply "riding off on a narrow interpretation of a provise which was as wise and politic as it was just,"* produced much disappointment and made the educated natives rather sulky and morose for a time, and certainly so, until in another quarter of a century the Public Service Commission chose to impress on the home-authorities the wisdom of no longer dallying wlth such serious pledges. It was only in 1892 that the Government at last broke

*Mr. Morley in his Budget speech on July 20—1906.

the phalanx and threw open to Natives four District Judgeships and Collectorships.

In this connection it will be appropriate and interesting to read what Mr. Muthusamy Ayyar has later on said on the question of such higher appointments to Natives.—

The following are a few random extracts :—

" The dissatisfaction with the Statutory system is mainly due to the suppression of proved merit and ability in actual service."

"Excepting a few Political appointments and certain positions of great administrative importance, I would reserve no appointment for Europeans. I would not reserve Collectorships."

"I am not in favour of the introduction of a system generally of guaranteeing pay for one kind of work, and asking the nominee to do an inferior kind of work. If this is done on the ground that the officer is unfit for the higher work, I regard it as an administrative absurdity incompatible with efficient administration. If it is done to provide a training in some special work, it is an administrative defect not to provide a proper training ground suited to the position of the officers who are trained."

"In re-constructing the Uncovenanted Service I would retain the Statutory Civil Service as a distinct branch. I consider this necessary to prevent mediocrity backed by seniority in the U. C. S. being confounded in practice, if not in theory, with distinguished merit and ability in service."

"The country is passing through a period of transition, and unforeseen administrative exigencies may arise. I would, therefore, reserve power to Government to appoint any one they consider fit to any place, Covenanted or Uncovenanted, as a special case.

"The principles and traditions of enlightened statesmanship and legislation seem to me to require in this country that no special privileges that derrogate from the equal rights of citizenship should be recognised, except either on the ground that the particular privilege claimed must be tolerated for a time on considerations of policy or as an unavoidable administrative imperfection, or for the reason that its preservation is necessary as a special protection against injustice."

* From his evidence before the Public Service Commission.

Mr. Muthusami Ayyar therefore continued in the Small Cause Court and distinguished himself there too by commanding the confidence and esteem of his equally-talented colleagues such as Mr. Ranganada Sastrial, the celebrated linguist, whose presence was a source of inspiration to our hero. Mr. Muthusami was never in the habit of confidently asserting his opinion even though he knew it to be just and proper; he would only submit it for the approval or correction of his friendly colleagues. Mr. Basteed was another colleague of his, well known for his legal attainments. It is perhaps bare truth to say that both of them were often ready to go in with the view of their Junior colleague on the Bench, and never hesitated to openly defer to his opinions, subordinating their own. That was certainly due to Mr. Ayyar presenting to them his view with a self-reliant modesty and a gentle invitation to their consideration of it. It was while in this Court that he first found himself in the company of European Judges whose opinions he had to consult before deciding cases and fortunately for him, he had very good and able company which gradually tended to their mutual esteem and respect. This early disposition in Mr. Muthusami developed very much and when he was elevated to the High Court, it easily won for him the appreciation of his colleagues.

There was nothing particularly eventful during these years, except that he studied the German law books when he was the Third Judge of the Small Cause Court. His good old patron Mr. Holloway was then a Judge of the High Court and with his unflagging zeal

for his favourite's progress in life which he had been watching and actually regulating with a keen desire to bring him up in his own judicial work for which he had so early prophesied Mr. Muthusamy Ayyar was pre-eminently fitted, he spared leisure to give him lessons in German language. After the day's work in Court was over, Mr. Ayyar used to follow him home and plunge himself into his law-library and read up the digests of cases till eight or nine in the night. Mr.Holloway would also in turn sit with him as long to teach him German vocabulary in which Mr. Muthusami made some progress,just enough to read it and to pick up references required for Mr. Holloway, which made him so thorough in Case Law. When Mr. Ayyar was found to evade the pronounciation of difficult words in German, the master would insist on his uttering them properly till he was well-up with them. This fact that Mr. Muthusami learnt a new European language at an age when perhaps most men are forgetting what they had already learnt in life and that, when he had so much office work to attend to, evinces his abundant industry and willingness to fit himself up better to perform his duty. Even in this task which to others similarly situated would seem a luxury, he never proved truant; he displayed before Mr. Holloway the same docility and zeal which marked his early school-days. The fact was that he became conscious at that time that he wuld be soon called on to a more elevated sphere, which meant for him a more responsible duty to perform, and that he thought it very necessary to further equip himself for it. A high sense of duty had impelled his actions all along his career and it is not surprising

that he kept up his studious habits and taste for learning even to his last days.

Several instances have been related to show that Mr. Ayyar's work as Judge in whatever grade has been perfectly free from personal bias and from any considerations other than bare justice. The following little incident which occurred when he was a Judge of the Small Cause Court, is another of no less interest :—

"When Sir T. Muthusawmy Iyer was a Judge of the Small Causes he had to try a case in which a man whom he had known in his early days was sued for a debt of about of Rs. 200. Before the hearing of the case the defendant managed on the score of his former friendship to obtain audience of the Judge and, taking advantage of the occasion, poured into his ear his own version of the case. At the trial the case for the plaintiff was proved and a decree passed against the defendant. Later on it became necessary to apply for execution; Mr. Muthusawmy Iyer issued the warrant but at the same time handed the bailiff a cheque for a sum that would satisfy the decree. The bailiff, however, was directed to enforce the warrant and arrest the man before satisfying the decree. This was accordingly done and Mr. Muthusawmy Iyer told the man that he had paid the debt for old acquaintance-sake and because of the man's poverty, and not on account of his conduct at the trial which was most reprehensible.

The story illustrates his integrity in private and judicial life, and shows also that in the days of his prosperity he was not ashamed of his own humble beginnings and was prepared, even in the most unfavourable circumstances, to help and assist those whose acquaintance with him dated from his early days.

CHAPTER VII.

GOVERNMENT'S APPRECIATION.

"IF YOU WILL ONLY RISE EQUAL TO THE OCCASION AND ADD TO CULTURE PERSEVERING INDUSTRY AND A CONSTANT DESIRE TO LEARN AND IMPROVE, I MAY SAY THAT YOU WILL FIND THAT THERE IS NOTHING IN THIS LIFE WHICH IS BEYOND THE REACH OF CULTIVATED INTELLIGENCE, WELL-DIRECTED INDUSTRY AND HONEST DEVOTION TO DUTY."—*Sir. T. Muthusami Ayyar.*

Attends the Delhi Durbar, 1877—Visit to Sir. Syed Ahmed—An interesting ancedote—Honored with C. I. E.—Investing ceremony—Appointed as Judge of the High Court of Madras.

In 1877 Her Majesty Queen Victoria held an Imperial Assembly at Delhi on her assumption of the title of the Empress of India. Many distinguished men were invited to this assemblage as guests from all Provinces and the Madras Government included, in its list for this Presidency, the name of Mr. Muthusami Ayyar also. His Excellency the Viceroy later on awarded him a Commemoration Medal.

Mr. Muthusami Ayyar having taken this trip to the North for the first time—as it proved also the last—he visited several important cities *en route.* He paid a flying visit to Sir Syed Ahmed of Alighar fame and the following interesting incident has been related by the author of the "Reminiscences of Indian Great Men", an incident which is characteristic of Mr. Ayyar's simplicity in dress and unostestation in behaviour :—

"Some years ago the Hon'ble Muthuswami Iyer came to Allyghur and went to Sir Ahmed's house to pay him a friendly visit. Without giving any previous intimation of his visit, the Hon'ble Justice Iyer called at his house just at daybreak, when he was told by the Nawab's servants that he would not rise from his bed till the usual customary hour of 9 o'clock. Ordinarily dressed as he was in his usual Maharatta garb, the Nawab's servant took him to be an ordinary visitor and paid no attention to him. Nor a seat was offered till the appointed hour of the expected visit. The high-minded Maharatta nobleman did not care much about the want of courtesy shewn to him unwittingly, and instead of coming back to his lodging, he determined to wait till the appointed hour, and took his seat upon one of the low walls surrounding the spacious compound of the Nawab's Palace at Allyghur, with the fierce sunshine falling on his face. In this way he sat on the outer walls till 9 A. M. when, coming to learn that the Nawab had risen from his bed, he sent in his card. No sooner the waiter handed it over to him, than the Nawab himself came down in haste from the upstairs and received the distinguished Maharatta visitor with all the honour and courtesy which an oriental scholar and a perfect master of oriental etiquette like the distinguished Nawab could show on the occasion. The visit lasted for a pretty long hour and the Nawab himself again came down to see the visitor off. Immediately after his departure, the Nawab naturally enquired of his servants as to when the visitor came to see him. On coming to learn that the Maharatta Judge had to wait outside for many a long hour without being allowed a seat in the visitor's room, he ran up to the Judge again and begged to be excused for what the servants had unwittingly done. Mr. Justice Muthusami, it is said, simply smiled and assured the Nawab of the pleasure he derived from the visit. The simplicity of the Judge ought to teach a lesson to those who, under the cover of English education, get offended with any want of show of courtesy P. 77."

When this extract was read out to the Judge by the present writer in July 1894—the first time he saw it in print—he approved of it and only added that it was a bit exaggeration. He had, of course, to wait a pretty long time before he could get audience, but he was soon provided with a comfortable seat within the compound, though not in the visitor's parlour. The

Babu author of the Reminiscences obviously mistook him for a Maharatta Brahmin.

On the First January 1878 the distinction of a Companion of the Indian Empire was conferred on Mr. Muthusami Ayyar in recognition of his eminent services as a Public Servant. This title was not in those days so cheap as now, nor was it in the reach of the aristocray of mere wealth. It used to be exclusively reserved for honoring prominent citizens of well-tried loyalty and usefulness to the State. The then Governor of Madras, His Excellency the Duke of Buckingham and Chandos, spoke thus appreciatively, while investing the Order at a public meeting :—

"Muthusami Iyer—The pleasing duty has fallen to me to deliver to you the Insignia of the Order of the Indian Empire in accordance with the grant which has just been read. You belong to a branch of the service, the Judicial Branch, of the highest importance to the well-being of the Empire. There is no branch of the Service on whose efficiency, on whose integrity and on whose ability and calm judgment, the liberty of the subject so entirely depends as upon the Judicature. I have great satisfaction in observing that you have distinguished yourself in this branch and have been called forward to occupy a high and prominent place among the Judges of this land, and it is with very great pleasure that it falls on me to announce to you that it has been Her Majesty's pleasure to select you for this favour which, I trust, you may long enjoy."

On the 17th July 1878 and within three months of his coming back to Madras, after his short stay at Madura, as already referred to in the previous Chapter, Mr. Muthusami Ayyar was appointed *Sub-protem* Judge of the High Court of Judicature. This announcement was welcomed by the Indian public and as to Mr. Ayyar personally, it was the highest Judicial post in the Government Service, then available to a Native of India. This praise-worthy act of the Government abundantly testified to the high esteem and confidence the Government had all along entertained for him, while in return Mr. Ayyar also gratefully acknowledged this unique honor shown to him. Congratulations poured in on all sides both on the high-minded policy of the powers—that—be in choosing the right man for the office and on the fitting elevation of Mr. Ayyar. The latter felt also confident that he would no more be transferred from place to place and that he would have to serve his sovereign henceforth at the metropolis only. The event made all sections of the Indian public equally joyous, a seat on the High Court Bench having been kept till then as a close reserve for the Civilian officers and European Barristers only. Naturally there was a new and hopeful enthusiasm throughout the Native community when Mr. T. Muthusami Ayyar was selected for the office, and this paved the way for similar concessions to the natives. Undoubtedly it was regarded as an epoch in the history of this Presidency and the Government was profusely thanked for this great departure from its time-honoured red-tapism. In Bengal the High Court had already a Native Judge sitting with the Europeans and in Madras alone the

Government hesitated to boldly try the experiment in the direction. But now that the hour was come and the right man was ready at hand imperatively demanding the courage of liberal statesmanship, it was gratifying to see that the old considerations had disappeared and the Government seemed determined not to lose the opportunity to inaugurate a new order of Indian Judges. Thanks to the admirable conduct of Mr. Muthusami Ayyar in his new office, the experiment which was ventured amidst solemn predictions of failure in some quarters, not quite disinterested though, has proved thoroughly successful. All honor to the magnanimous deed of the then Governor, H. E. the Duke of Buckingham and Chandos, to whom was reserved the credit of rising above petty racial considerations in giving effect to the noble and just policy enunciated in the great Queen's Proclamation of 1858. What Lord Hobart attempted to do in 1868, H. E. the Duke of Buckingham had ten years later achieved and thereby earned the ever—remembered respect of this grateful Presidency. Well did the leading *Hindu* organ express the public feelings on this matter when it so pithily observed :—

"The splendid abilities of Mr. Muthusami Iyer had shamed the Madras Government from its stolid indifference to an obvious duty, and as a consequence, he was elevated to the High Court Bench."*

It is but fair to say a word about the voice of dissatisfaction heard here and there from some interested

*Reference may here hc made to the observations on this point by Sir. P. P. Hutchins in his Introduction.

parties who lost no time to ventilate their disapproval or, disappointment at times even ill—mannered and insolent. Such feelings were only natural in a community which long enjoyed all the plums in the public service, as if by racial monopoly, and selfish as that grievance was, it must not be forgotten that the natives fought for the office on principle and rightly contended that superior native talent should have a recognition and even a preference in the high offices of the State, no less than the hither-to privileged European community which claimed a perpetual concession for themselves and the consequent exclusion of the natives. Notwithstanding a few murmurs against this innovation, a start was then made to encroach into the sphere so long labelled "For non-Indians only." Years, however, rolled on and all such narrow criticisms and discouraging insinuations had vanished, and the brilliant work of Mr. Ayyar on the Bench so continued to win the applause of all impartial observers that very soon the very men who at first laughed and doubted, rather unconsciously grew to be genuine admirers of his honest discharge of his onerous duties as a Judge. In later Chapters we shall briefly narrate how Mr. Ayyar acquitted himself in his new capacity and what incomparable services he has thereby rendered to the State and to his country.

CHAPTER VIII.

THE LADDER OF EMINENCE.

"LET CONSTANT INDUSTRY, HONEST DEVOTION TO DUTY, SIMPLICITY OF CHARACTER, AND UNFLAGGING INTEGRITY OF CONDUCT, AND A MODEST ESTIMATE OF YOUR WORTH BE YOUR LADDER TO EMINENCE".—*Sir. T. Muthusami Ayyar.*

His Public Services detailed chronologically—Review by Sir Henry Bliss—Remarks by Hon'ble Mr. Srinivasaraghava Iyengar.

How every word of the above exhortation to the Graduates of the Madras University, fits in with the career of the speaker himself! He had, as narrated in previous Chapters, attained the eminent position of a High Court Judge, the highest judicial rank and authority then open to the Indian, through indefatigable industry, force of character, modest conduct and devotion to his duty, great or small. To one who rose from the lowest rung of the official ladder to its topmost round, the new office might excusably dazzle and even hide from his eyes the numerous low steps by which he had climbed up to it. Let us here survey the various offices he had held in succession often rapid, and with success always brilliant, from his commencement as an Assistant Village Kurnam to his appointment as a Judge of the Madras High Court in 1878. Let us also examine how constantly was Mr. Muthusami Ayyar tossed about from department to department, till at last he reached the happy haven and got fixed to the High Court, here to earn an imperishable fame. Intelligence now

beamed upon his broad brow; his life-long diligence gave him the strength, both physical and mental, to maintain with reputation the high office to which he had silently fitted himself so well. It is, indeed, one of those rare instances which are met with in life to justify the poet's beautiful description,

> " The web of things on every side,
> Is joined by lines we may not see,
> And great or narrow, small or wide,
> What has been, governs what shall be.
>
> " No change in childhood's early day,
> No storm that raged, no thought that ran,
> But leaves a track upon the clay
> Which slowly hardens into man ".—*Professor Romanes.*

EVENTS IN HIS CAREER.

(CHRONOLOGICALLY NARRATED.)

Tiruvarur Muthusami Ayyar.

Born 28th January 1832,

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" Was at a pyal school in Tiruvarur.

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" Worked as Assistant to a Village Karnam, from (1840 to 1846) picking up meanwhile some rudimentary knowledge in Tamil and English vocabulary.

" Became a favourite of Muthusami Naik, Tahsildar, and completely won his love and patronage.

" Studied in the Mission School, Negapatam, (1846—1848.

//

" Proceeded to Madras in 1848.

" Joined the High School (Presidency Coll).

" Successfully passed through classes.

" Won the annual Scholarships.

" Became a protege of Mr. Holloway.

" Took the Proficient-Diploma at the Examination held in 1853.

" Competed for the Prize—Essay in 1854 and won Rs. 500 as reward in cash.

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//

"Employed as Tutor in the same High School for a few months only in (1854.)

//

"Entered Government Service.

As Record-keeper in the Tanjore Collectorate, (May 1st 1854 to February 1856.)

//
//

Changed the Department.

From Revenue to Educational.

As 2nd class Deputy Inspector of Schools for the South Arcot and Tanjore Ranges.

(From 1st March 1856 to 11th May 1857.)

Another change in the Department.

From *Educational* to *Judicial.*

As 3rd class District Munsiff,
Tranquebar, (11th May 1857.)

Do. Transferred to Mannargudy,
(10th February 1859.)

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Again changed Departmeut.

From Judicial to Revenue.

As Inam Deputy Collector,
2nd grade, 2nd July 1859.

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//

Took Sick leave for 3 months and 30 days,
(May 1861.)

The Inam Commission closed.

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//

Posted as Deputy Collector (Treasury charge,)
North Arcot, 7th July 1862.

Do. Transferred to Tanjore, 27th August 1862.
(with Magisterial powers vested).

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//

Once again ***changed the Department***
from *Revenue* to *Judicial.*

Appointed as Saddir Ameen—
Subordinate Judge, Mangalore,
(9th July 1865 to 27th July 1868.)

Again changed the Department.

From Judicial to Magisterial.

As Police Magistrate, Madras,

(27th July 1868 to 20th April 1870.

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//

Changed the Department

From Magisterial to Judicial.

As Judge, Court of Small Causes, Madras, (20th April 1870).

Do. Confirmed, May 1871, Madras.

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//

Took Privilege leave for 21 days, (May 24th 1872).

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Visited the Dehli Durbar, January 1877.

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Transferred to the Small Cause Court, Madura (July 1877).

Took Privilege leave for 16 days only.

Honored with the distinction of C. I. E. (In January 1878.)

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//

Again transferred to the Court of Small Causes, Madras (April 1878).

Appointed *Sub-protem* Judge, High Court, Madras (17th July 1878).

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//

Do. Confirmed, 11th August 1883.

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//

Acting Chief Justice, Madras,
(13th July to 12th August 1891.)
Sir. S. Subramani Ayyar B. L. Acting.

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//

Privilege leave for 3 months,
16th November 1891.

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//

Became a K. C. I. E. in May 1892.

//
//

Sick leave which dragged on till
January 21, 1895 (died.)

Note : 1. It is significant that during the pretty long period of over Forty years as a Public Servant, from 1854 to 1895, Mr. Muthusami Ayyar had taken leave for the aggregate period of 4½ (Four and a half months) cnly as Sick leave and for 3½ months only as Privilege leave—a fact which contributed to the break-down of his health merely through the continuous strain ef his intelluctual work.

NOTE : 2. Another distinguishing feature in his career was his constant transfers from town to town and the varieties of his work, which afforded him ample opportunities to study the different localities, their manners and customs, and to obtain a general knowledge of the people of South India althrough. These varieties are, however, lost sight of at a little distance and at a little height of thought, when they become united into a harmonious whole. The voyage of the best ship is traced to a zigzag line with a hundred halts in its onward march towards the destination, the shipmen gathering all available but varied things and experiences at every harbour. So, too, Mr. Muthusami Ayyar's career in the numerous departments of the State and at several centres of the Presidency had enabled him to equip himself with the experience and knowledge required for the high office of a Judge. Here are a few retrospects :—

I

***BY SIR HENRY BLISS.**

"I will now ask you to bear with me for a very few moments while I dwell on a few instances from the career of the late distinguished Judge. The thing which particularly strikes the eye looking at the list of services which extended for more than 40 years is the wide range over which his experience ran.

" He served in the Revenue department for a very considerable time, that being the department which regulates the relation between Government and people.

* Extracts from their speeches at the Banqueting Hall Memorial Meeting.

13

"He served also for the most part of his life in the Judicial department, which regulates the relation between man and man.

"In his experience as Police Magistrate he must have obtained considerable insight into what may be called the seamy side of human nature.

"Then, again, he served also in the department of Public Instruction. This department is, perhaps, not so highly considered generally as the Revenue or the Judicial departments, but nevertheless, it is one which, in the development of the country has its importance; while other departments deal with the affairs of the day, the department of Public Instruction deals mainly with the affairs of the future, because to that department is committed the development of the character of those who are to become the conductors of all the affairs of the future. Therefore, I think, in looking at the career of Sir. T. Muthusami Ayyar we should particularly not forget that he once served also in that department.

"As to the use he made of the stores of this accumulated experience, we have heard it from distinguished Judges who have addressed you.

"He had great ability given him from on High. But great ability is not by itself sufficient. No man can rise to become great who wraps his talent in the napkin. I think I may safely say that few men have made better use of their ability than Sir. T. Muthusami Ayyar."

II

THE HON. S. SRINIVASARAGHAVA IYENGAR.

"Almost every one present is, I am sure, aware, how he was left an orphan in his boyhood without any means of support and was thrown on his own resources for educating himself.

" How his bright intelligence and close application to business while employed as an Assistant to a Village Accountant attracted the notice of a liberal-minded Tahsildar who sent him to Madras for education.

"How by his indomitable will and perseverance, he overcame all obstacles and passed out of college with high honors, and

"How when he entered the Public Service he rapidly rose in it and how the respect and esteem of the officers under whom he served by his great attainments, his unswerving rectitude and devotion to duty.

"Almost at the outset of his official career, his capacity for filling the highest Judicial Offices and his eminence as a lawyer were predicted by a gentleman who himself has left his mark on his generation as a great lawyer and friend and promoter of native education and whose Public Services in these and other directions are still held in grateful remembrance by the people of this Presidency. And when that prediction was fulfilled in the fulness of time, and. he was elevated to a seat on the Bench of the highest Court in the land, how splendily he acquitted himself is known to all."

NOTE: 3. Turning over the previous pages, it will be found that there has been an unconscious omission

of the fact that Mr. Muthusami Ayyar had also passed the Pleadership test. In the year 1853 the Madras Government instituted this Examination in view to license the successful candidates to practise in the Mofussil Courts. The examination was held in 1856 at Kumbakonam, one of the centres, and among the several candidates, were Mr. T. Muthusami Ayyar, Mr. R. Ragunada Row and Mr. S. Vedanayagam Pillai. Mr. J. T. Beauchamp, I. C. S., the then Civil Judge of the Tanjore District, conducted the examination. It is related that the test in those days included the writing of a judgment from the records of the facts in a case as supplied to the candidates and that in the particular instance, the records of a case already disposed of judicially were furnished to the candidates. The litigation related to an agreement between two parties as to the division of certain property. The parties subsequently went to court for the breach of such agreement. The issue involved in the case was whether the agreement entered into regarding the distribution of property contrary to Hindu Law was binding on them? There was a great scope for the display of one's legal ingenuity and learning. Mr. Muthusami Ayyar in his judgment held that such an agreement was binding even though it was contrary to Hindu Law—a view which was judicially held by Mr. Beauchamp himself, though the matter went up to the Appellate Court. When the results of the examination were published, Mr. Ayyar had been declared to have passed with credit. Mr. R. Ragunada Row also passed that year. Mr. Muthusami Ayyar was duly qualified and then appointed as a District Munsiff in 1857.

Mr. S. Vedanayagam Pillai was also simultaneously appointed as District Munsif of Mannargudy and in due course, he retired as such, and settled down at Mayaveram where, Mr. Ayyar also later on built a very big house and used to live there during most holidays, often keeping excellent company with Mr. Pillai and his interesting contributions to the Tamil Literature.

CHAPTER IX.

ON THE HIGH COURT BENCH.

"AS FOR MYSELF, WHATEVER MAY BE THE RESULT, I REGARD IT WITHOUT ANY FEELINGS OF ANXIETY OR APPREHENSION; I HAVE NO OBJECT OF FURTHER PERSONAL AMBITION TO SATISFY, AND WHATEVER ELSE I MAY LOSE, I CANNOT LOSE THE CONSOLATION OF HAVING ACTED ON A SENSE OF PUBLIC DUTY......IF I SUCCEED, I SHALL HAVE THE SATISFACTION OF THINKING THAT I HAVE SUCCEEDED AGAINST GREAT OBSTACLES AND AMIDST THE MOST CONFIDENT PREDICTIONS OF FAILURE. I BELIEVE THAT I SHALL SUCCEED."—*Sir. Robert Peel's Speech at Tamworth, 11—1—1835.*

Qualifications for a seat on the Bench—What is a Court of Justice? His work as Judge generally reviewed—Comparison with some Indian contemporaries—some English Judges—A prophecy fulfilled.

Now-a-days the Bar is the road by which one rises to the Bench; he earns for himself at the Bar a position which will entitle him to a seat on the Bench. It is before the tribunal of the public that he must at the outset justify the pretensions to hold the office on which his aspirations are set. The public it is that doubtless has the right to express its satisfaction or otherwise of the performance of the Judge on the Bench, because it expects him to administer law and justice impartially to all, to safe-guard their rights possessed severally and jointly and to protect them no less from wrongful encroachments into such rights either by the Crown or by private individuals. In several democratically—governed countries the Judges are elected by the votes of the public and no wonder that the public do indulge in their right of criticism on their work. In India, however, we have not advanced so far yet and the Government

choose the best among the available persons, whether from the Service or the Bar, which system has certainly proved very satisfactory. So that if the young man had joined the Service and not the Bar, he starts discharging the duties of some humble intermediate appointments and therein works and hopes in time to reach the top of the ladder which he began in his youth to ascend. So it was with Mr. T. Muthusami Ayyar as shewn in the previous chapter, and when he had so reached the top, he set before himself the famous injunction of Lord Bacon to the Judges of his time—"Render justice to the people, fearing nothing, seeking nothing, neither benefit nor praise. Plaudits are better fitted for a great player than for a great Magistrate." His own conception of the duties of a Judge and of the sacredness and responsibilities of that high office, was really lofty; and this ideal he always endeavoured to impart to such of his countrymen as aspired to rise to the Bench, in the memorable words which grace his Convocation address to the Madras University:—"The Court of Justice is a sacred Temple; the Judges presiding over it are, though men, the humble instruments in the interests of truth, and those who enter this Holy Edifice with unholy thought, or desecrate it with unworthy actions, are traitors to their God and to their country. Those of you who may rise to the Bench should recollect that the Power you may be called on to exercise in the name of your Sovereign is according to one of your ancestors a "power Divine." Mr. Muthusami Ayyar's probation for over twenty years in the various offices he had held in the Judicial Department had by that time fitted him

up for entering into the sacred Temple which, he knew, he was one day destined to.

How efficiently he has done his work on the Bench has been estimated, affirmed and re-affirmed by men of experience in the legal profession, by his own colleagues on the Bench and by competent authorities outside it. Now that his career as a Judge is within the memory of this generation, it will be readily conceded that any attempt at an elaborate description of his achievements on the Bench must be a difficult task. It is besides deemed sufficient now to offer a choice collection of the opinions expressed, from time to time, upon the remarkable capabilities of our hero and to refer to the numerous obituary notices, all which are found in the succeeding chapters. These readings speak highly of Mr. Muthusami Ayyar as Judge and man.

It has been the unanimous view of the public not only in this Presidency but throughout India that he was a model Judge, imbued with a high sense of duty and a high regard for truth. The proper function of a Judge is to ascertain truth and having found it, to administer it as a duty.* This indeed, is a "Power Divine." There never was–and there never could be any difference of opinion in crediting Mr. Muthusami Aiyar

* Compare Mr. Justice Bigham's conception of a Judge as he declared it in his witty reply to a toast in his honor :—The aim of a Judge is to ascertain truth according to the facts, and to that truth to apply justice according to the laws. That aim must be steadily kept before him. If we have done our best, we have, in my opinion, earned that confidence, and that support which, we are satisfied, you extend to us, your faithful and your loyal servants."—*Vide The Hindu, 28th Nov. 1905.*

with his richly possessing this "power divine" as well as his exercising it without flaw, fear or favour. Had he been raised to the Bench on account of his successful practice as a lawyer, he might have at times been influenced by considerations of special pleading rather than of even-handed justice. On the other hand, those who have watched his career from his early Munsif-days at Tranquebar, would unhesitatingly associate with him a spirit of judicial integrity and independence which, with the increase in status, had also developed into manly thought and expression.

If Mr. Muthusami Ayyar's intellectual training was capable of still further development to suit the expanding horizon of his official work, his bodily training was equally fitted to supply him with the necessary physical strength, energy and industry for which there was now so large a demand. In fact he was only forty-five at the time of his appointment and also in the best of his health and vigour of life. When he was elevated to the Bench, he had determined to succeed in his work and what is more praiseworthy, to succeed honorably. This legitimate ambition in him very naturally inspired his best talents; he shirked no pains, he spared no studies, he delayed no duties, and, in short, he most cheerfully looked into every detail himself and mastered, with particular care and attention, every aspect of the cases posted for hearing before his Division Bench. His clear grasp of facts however intricate, his systematic diligence, his extraordinary powers of memory, his precision in the exposition of law—so peculiarly his own,—his well-digested and readily-

available store of legal learning, his strong common-sense and careful observation of the habits and customs of the people around him,—these equipments no doubt largely contributed to his writing out those voluminous and admittedly luminous judgments, while his amiable manners and courteous behaviour on the Bench have been acknowledged by men who had had business to transact with him almost every day. As elsewhere shown, his patient and unprejudiced listening to counsel's arguments and his discriminating faculty even amidst the most conflicting facts and statements tended to cultivate in him the enviable virtue of what he used to call "legal instinct." He laboured hard to master the details of every case, however ill—conducted by the Vakils in charge, and to discover the truth buried amidst heaps of partisan misrepresentations. It was an open secret that the most intricate cases as well as the most difficult were generally posted to his turn and yet, he never failed to bestow his utmost efforts to dispose of them in the most acceptable manner. It is no exaggeration to say of him that he never complained of his having to toil on so hard, so much so that his very toil has dignified the trophy and won for him the deserved reward *

* "I cannot even hear of personal vigour of any kind, great power of performance, without fresh resolution. We are emulous of all that man can do. Cecil's saying of Sir Walter Raleigh, "I know that he can toil terribly," is an electrical touch. So are Clarendon's portraits of Hampden "who was an industry and vigilance not to be tired out or wearied by the most laborious, and of parts not to be imposed on by the most subtle and sharp, and of a personal courage equal to his best parts, of Falkland who was so severe an adorer of truth that he could as easily have given himself leave to steal as to dissemble"—Emerson.

With his immense capacity for restless work, with his ever-commended integrity, with his rapturous love of justice for justice sake, and above all, with his ready command of all the laws and regulations of the Indian Empire, he administered pure justice to all suitors fairly and honestly which has eventually, raised him in the high esteem of his fellow-men, increased his influence in society and has earned for him an undying fame in the annals of our judicial administration. All this be it remembered, he enjoyed under the guiding star of Uprightness and Devotion to Duty. Indeed, as Tennyson has put it, "*The path of Duty is the way to Glory.*"

The judgments he had delivered during the seventeen years of his career as a Judge of the High Court have been acknowledged to be models in his days, not only for the elucidation of the principles of law and their application to particular instances, but also for their precise expression and diction. They were no doubt frequently lengthy*, but, never tedious to those who could

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* Some of his judgments were indeed very long. For instance, in X Madras Series, we find his judgment in the Darmapuram Mutt suit, covers over 134 pages in print (375 p to 509 p.) The justification seemed to be that he was the first Native Judge in this side of India and in Civil Law, more especially in the Hindu Law, he had to elaborately go in for an examination of the customs and usages of the people with citations from ancient authorities to authoritatively decide particular issues. He always desired to trace the customs to their root-sources and describe their developments and influences on society. Historical parellels form the institutions of other European countries, scriptural quotations from the laws of Manu and other eminent law-givers, discussions on the different interpretations of a particular text and his own reasoning for his own views were so copious in his judgments that they naturally cost him much labour, thought and study. A few illustrative extracts from his judgments are reprinted in another chapter.

with any interest closely follow his careful narration of facts, his excellent marshalling of authorities, logical reasonings and acceptable conclusions, all these presented to the reader in a matter-of-fact yet charming and convincing language. True it is, Mr. Muthusami Ayyar was not a ready writer in the sense he could write fast, but he always took care of his words and used them neither more nor less for his purpose on each occasion. His tenets and decisions generally commanded the respect and acceptance of His Majesty's Privy Council; in fact, they were rarely reversed. The parties to suits cherished an unqualified confidence in his pronouncements—such sacred trust he proved worthy of throughout his long career on the Bench. More competent critics will speak further on about Mr. Justice Ayyar's singularly judicial frame of mind, his unwearying diligence, and of his unassuming kindness to all who had deserved it, besides gratefully paying their tribute to his vast erudion in law. He served on the Bench for nearly two decades, during which period he had managed to keep to the level best his never-failing character as an official—ever pure, serene, and high-principled in his conduct which not only shed lustre on the High Court itself but also won for him personally the genuine appreciation of his great abilities, both by the Government and the people alike. What especially entitled him to glory was his determination to please all the sections of the people in this Presidency, and to thereby give the lie direct to the misgivings entertained about his appointment by certain communities as to the issue of the experiment so boldly inaugurated in selecting a Native—

a Hindu—a Brahmin—to a seat on the highest tribunal.* That Mr. Justice Muthusami Ayyar had more than realised his lofty ideal of the calling and had beyond doubt satisfied the public at large, has been abundantly proved, when the same suspecting communities have in later years come forward to testify,on various occasions, to their own admiration for the Judge and have unanimously admited his capability to rise above petty considerations of race or creed in the discharge of his onerous duties. For instance, the Honorable Mr. Arbuthnot (latterly Sir. George) representing the Non-official European community of Madras spoke of Mr. Justice Muthusami Ayyar in these laudatory terms :—

"Gentlemen, in this vast country, this mighty Empire, with its diverse nationalities, its conflicting creeds, its widely divergent ideas ol social usages and observances, there cannot at times but be friction and disagreement, and there are prejudices which are not easy to overcome. But I hold that the life of a great man, such as he who has been taken from us, 1 care not what his nationality or his religion may be, does more than anything else to break down the wall of these prejudices and to bring us all together on a common level as citizens of an Empire of which we have good reason to be proud, (cheers) and for my part, I can conceive no higher ideal, no loftier ambition than so to live one's life that that life by force of

*Ancient Indian Law-givers like Katayayana and Narada have described the qualifications of good Judges. The former, for instance, has said that whenever the King cannot attend Court in person, he must appoint a learned Brahmin to administer justice. The person so appointed must be "a restrainer of his passions,well-born, serious but not rash and violent; he must be in awe of the next world, benevolent, dexterous". Narada well says "he must be acquainted with the eighteen titles of law, skilled in logic, philosophy &c." The qualifications peculiar to the Judge otherwise known as *Pradvivaca*, are thus mentioned, "he must be a person mild, affable, learned, regular in business, neither cruel nor avaricious, of good antecedents, spectable &c."

example and by respect and admiration which it creates may help to break down the barriers which divide Hindus and Mahamadans and Europeans (cheers) and to unite us all in the determination steadfastly to do our duties as fellow-subjects and citizens. Such a life was that of Sir. Mutusamy Ayyar."

Nor he only. Another equally enthusiastic appreciation by the representative of the same non—Hindu community has paid an eloquent tribute to the impartial justice Mr. Ayyar had rendered to the suitors before him. Mr. F. Rowlandson, Bar-at-law, thought fit to quote the great Mr. Sheriden's apostrophe to Justice and to describe Mr Ayyar's work in the same words:—

"I venture to ask you whether when that type of justice was pictured by Sheriden a hundred years ago, could any one have supposed that that type could have been so completely fitted by the character of the great man whose memory we are met here to perpetuate. Many words in the sentence, as I read it, must have struck you as applying to him. Venerable from its utility; uplifted without pride; firm without obduracy; beneficent in each preference." No words could have summed up better the character of the late great and good Judge."

Mr. Ayyar's judgments amply evidence his claim to such eulogium from those disinterested quarters. Unless there was that amiable quality, unoffending disposition, equitable dispensation of justice and a sterling character in the Judge, it could not have been possible for him to have received the approbation of the motley public, the admiration of the professional circle and the unqualified confidence of his colleagues who were, in the long course of seventeen years, so many in number, so different in temper and so varied in their ability and conduct. He had sat and worked with judges of all sorts; some of them with eminent talents and exemplary character, some of

them mediocres in learning but excellent in particular virtues, some again domineering in spirit and self-asserting in the expression of their views ; others indeed richly endowed with inspiring integrity of conduct, but able only to "concur" with the opinions of any other superior intellect; others possessed of the remarkable virtue of impartiality to the degree of even apparent rudeness and impolicy,—so many and so varied were the Judges on the Madras High Court Bench. And Mr. Muthusami Ayyar had admirably managed always to move with them in terms of familiarity, friendship and confidence, often to win them over to his own views of the cases, seldom fail to convince the disagreeing colleagues of the better method of arguing and inferring in such circumstances, and ever ready himself to yeild to the righter conclusions of others on the Bench.

Then again, observe his attitude on the Bench and you admire his hearing of counsels' pleadings—

Watch his treatment of Barristers and Vakils, senior or junior, and all have praised him, even those few who had at times fallen victims to his scoldings—

Read his judgments and you are struck with his legal attainments and their adaptation to the cases on hand—

Take a plebiscite of what the clients to his court have said of his pronouncements and decisions, and you are convinced that they were satisfied, even those who had lost their cases—

Even on those occasions when Mr. Ayyar fully well knew that he was right, he would not assert his opinion, but only refer it to his colleague's better consideration,

or submit it to the Full Bench, as if he entertained doubts on the principles which required their authoritative decision—(Vide. Vol. X. Madras Series, p. 286. *Muthusami V Vedammal.*)

When he had reasons to find that the opinion he had at first expressed was rather wrong and felt that on after thought it needed a revision, he did not hesitate to at once correct himself or to modify it—(Vide. Vol. X. Madras Series. p. 288; Vol. XII. p. 111.)

When he saw that his colleague on the Division Bench was not correct in his view of the issue under consideration, he expressed it in the form of the "gentle hint" so inoffensively and so secretely thrown out, as Sir. Philip. P. Hutchins and Mr. Justice Brandt have spoken of it, in result, he succeeded in winning them over to his side—

Whenever he differed from his fellow—judges and the importance of the case demanded it, he wrote separate judgments—(Vide. Vol. XI Madras, p. 165.)

He was seldom inclined to award or confirm death-penalty in Criminal Cases; in fact, there are instances reported in which he had either transmuted the punishments to mere transportation or recommended them as fit cases for pardon by the Government—(vide, p. 462. Vol. XI Madras.)

When the points at issue needed it, he traced them to the remotest times and entertained the readers of his judgments with the historical retrospects of the institutions or the usages or the customs under reference. (Vide. (a) X Madras, Tirupanandal Mutt suit, (b) the Ramnad suit. &, &c.,)

So far as the Hindu Law was concerned, he never spared himself the duty of expounding its doctrines to the best of his convictions. His decisions display his careful study, masterful grasp and dispassionate administration of the principles and practices of the Hindu community at large. In a separate Chapter the reader will find a detailed discussion of Mr. Muthusami Ayyar's attitude on the Bench in regard to the Social problems of the day and to his own contribution towards the social progress of the Hindu community. It would suffice here to merely state that he had carefully studied the ancient texts on every law or custom. or usage of the people and that once he had formed an opinion on a particular question, he never felt inclined to abandon it, either to please temporarily his colleagues on the Bench or to win the applause of a few distinguished men around him. Especially pertinacious was he in maintaining the customs and usages prevailing in the community *for the time being* and never allowed himself to be persuaded by the Judges belonging to other nationalities. He always objected to unnecessarily depart from the existing law or usage, though in so doing he knew, of course, that he would be regarded as a very orthodox and a very conservative Hindu, even as Judge. There were not wanting men of influence and ability who did their best to prevail upon Mr. Ayyar to help the cause of Hindu Social Reform with judicial pronouncements in favour of their new preachings. Mr. Ayyar's task in dealing with such earnest reformers proved very difficult and even delicate, when some of his own European fellow-Judges who, brought up in the

atmosphere of Western countries, accustomed to Western thoughts and manners, and obviously interested in introducing their own enlightenment and civilising agencies among the Indian people, were almost seeking opportunities to judicially declare many old customs and usages as objectionable, antiquated, injurious, and so forth. Mr. Justice Willam Holloway, for instance, had often described some of the Hindu practices as "grotesque". Mr. Ayyar, therefore, had to maintain his opinions not only against the persuasive appeals of the few English-educated men outside the Bench but also against the open attitude of his co—jurists. Nevertheless Mr. Muthusami Ayyar managed to keep up his own views so far as he could. Conscious as he was of the degrading influences of some of the practices in the Hindu community, and equally alive to the need of some wholesome changes in view to help and achieve the much-desired progress in the Hindu society, he had explained his attitude on such matters, to which we shall refer later on. Here is but one instance. The leading case reported in XI Madras p. 42 (Krishnasami *V.* Virasami) involving certain Caste disputes, very fairly illustrates his determined policy. Among the Judges constituting that Division Bench was Mr. Justice Kernan for whom Mr. Ayyar had very high esteem and respect as his great senior. Mr. Justice Kernan had for obvious reasons taken up a liberal view, and expressed himself thus on the subject of Caste :—

"Caste is not beyond rules of law. It is not a good custom, if opposed to law. Though he (client) acted on the custom, he does not say he approves of it, nor

that it is a good legal custom. British justice is essential. There is much mischief in the Caste system."—(*Vide* p. 145.)

But Mr. Muthusami Ayyar would not budge an inch, he only argued :—

"It may be a matter for regret that the ceremonial law of the Caste does not meet the requirements of progress. But my decision should be in accordance with the usage and ceremonial law of the caste. I have no choice in the matter."—*Vide* p. 142.)

Only one more example. In an Adoption case he sets forth clearly his general attitude :—

"It is desirable that in such matters there should be no divergenee between the custom obtaining in the country and the law laid down by Courts of Justice."—(*Vide*. XI Madras p. 53. Minaxi *V*. Ramanada). Nay, he has more than once deliberately stated, almost in a justifying tone, as follows :—

"The District Munsif apparently confounds the functions of the Judiciary with those of the reformer. In administering Hindu Law the former has only to see what is the Hindu Law as received and practised by the Hindu community in general with the conviction that it is law, and to declare and enforce it when it is ascertained. It is not for him to go beyond, to resolve the Hindu Law as received by the people into its historical factors, to see how far its historical development has diverged from the logical or the philosophical development in the light of modern civilisation, and to re-construct a system of Hindu law which the people

ought to have received and followed as consistent with their Shasters. (*Vide XIII Madras* pp. 301—305.)

That was the way in which he ever proved a strong Judge. A comparison with the Judges in Indian Courts is offered to the public in the following paras extracted from the leading articles that appeared in the *Madras Standard* soon after Mr. Ayyar's death and that estimate shows its writer's close intimacy with the work of the several Judges referred to therein :—

"Tested by any save by the comparatively worthless test of mere physical celerity of work, Sir. T. Muthusami Iyer's reputation will equal, if not eclipse the reputation of any of the greatest of his predecessors."

* * * * * * *

"Except in the domain of Roman law and in familiarity with the German Commentators of that ancient system, the late Judge was at least the equal, if not the superior, of Mr. Justice Holloway."

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"As an Equity lawyer, his reputation need fear no comparison with that of Sir. Colley Scotland."

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"In the love of labour, he vied with Sir. Charles. Turner; in honesty of purpose with Mr. Justice Kernan, while in his wonderful analytical bent, he outweighed both."

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"In Hindu law he stood *not first* among his equals, but *alone*, and when Death came suddenly to claim him for its own, Muthusami Ayyar was probably in all his accomplishments the foremost Judge in India.',

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"Bengal still glories in the traditions of that great Dwarakanath Mitter whose name is yet an accepted authority among the tenets of the Privy Council. Madras may claim that in Muthusami Ayyar's death she has lost even a greater than ever lived and sat and worked amidst the best traditions of the High Court of Calcutta."

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Perhaps a comparison with some celebrated English Judges may also be ventured here and the worth of

Mr. Ayyar may not be inaptly summed-up in the words which the late Lord Chief Justice Russel of England spoke with reference to the late Lord Ccleridge; with some slight modifications we might say that Mr. Justice Muthusami Ayyar not only possessed the synthetical and analytical powers of Sir. Alexander Cockburn at his best, not only the vigorous common-sense of Sir. William Erle, not only again the wide legal erudition of the late Mr. Wilkes, not only the intimate knowledge of the various branches of Provincial laws as the late Lord Bramwell; nor alone the hard-headed logic of Lord Blackburn, but possessed all these and the other equally essential gift of a pious and uncorrupt heart, to a conspicuous degree.

Years thus rolled on amidst such toiling and rejoicing, and then, the prophetic words of His Excellency the Duke of Buckingham and Chandos, the Madras Governor, in whose administration the appointment was confirmed, were more than realised :—

"In nominating the Honorable Mr. Seshiah Sastri to the Council of the Viceroy, and in placing the Honorable Mr. Justice Muthusami Ayyar on the Bench of our own High Court............I know that I have advanced them to no honor which was not well deserved or to a post which would not be well filled. Such are the men of whom we shall hereafter need many more. Keep them in your minds as studies for your emulation."

* His Excellency's Madras Convocation Address.

CHAPTER X.

ACTS AS CHIEF JUSTICE.

> "A Judge—a man so learn'd
> So full of equity, so noble, so notable;
> In the process of his life, so innocent;
> In the manage of his office so incorrupt;
> In the passage of state so wise; in
> Affection of his country so religious,
> In all his services to the King so
> Fortunate and exploring, as envy
> Itself cannot accuse, or malice vitiate."

Acts as Chief Judge—Welcome and praise by Friends and the Press—General Remarks.

Mr. Justice Muthusami Ayyar thus continued to adorn the High Court of Judicature with his dignified and conscientious performance of his arduous duties, which had entitled him to enjoy for himself the consolation conveyed in the above poetical motto.

This soon convinced the Madras Government of his unquestionable fitness for the higher sphere yet available for him. In July 1891 the then Chief Justice Sir Arthur Collins took leave for a month and Mr. Muthusami Ayyar was appointed to act for him. This Acting appointment met with universal welcome as evidenced by the congratulations that poured in from all quarters—his colleagues on the Bench, the Bar and the Public representing all the different sections and communities. The office of Chief Justice had long ago been thrown open to an Indian by the appointment of Mr. Romesh Chandra Mitter on the High Court of Calcutta and in Madras alone the Government hesitated, as usual, in

boldly following the precedent. But when at least an occasion arose and a well-tried man was ready at hand, it is praiseworthy that the Government of H. E. Lord Wenlock rose equal to the occasion and associated the First Native Judge of Madras with the proud distinction of Acting as Chief Justice as well. This public event of the governmental recognition of the claims of educated Indians to the highest judicial office under the Crown naturally occasioned great rejoicings throughout the Presidency. The Indian Press, both Native and European, voiced forth their high appreciation of Mr. Muthusami Ayyar's brilliant attainments, and in fact, they all availed themselves of this unique opportunity to review his long services to the country as a Judge. Here are a few only of the many complimentary Press comments on the appointment:—

I

"The learned Judge himself may humbly wish that the office he is to fill had a leisure commensurate with its dignity, for, no man however great a "glutton for work" could have accomplished the work that Mr. Muthusami Ayyar has done for the State, and for the public of Madras, without some aspirations towards a less laborious life. For so exceptional an official a special appointment should be created, and we should be glad to learn that he had been called to high office in connection with the law-making of the Indian Empire, for which his long and successful administration of existing law would so eminently qualify him". —*The Madras Mail, July 9, 1891.*

II

This is the second time in the history of India that a Native of the country has been elevated to this distinguished office. Lord Ripon while Viceroy appointed Sir Romesh Chander Mitter of Calcutta as Chief Justice of Bengal, during the temporary vacancy and now, as a senior *Puisne Judge* of the High Court, as one who has sat there for more than the double term of his immediate junior, as the Judge who during the last six years of his judicial career, has disposed of the heaviest and most difficult portion of the High court work in all its branches, his title to promotion has been long ago established. Without disparagement to his colleagues, it may safely be affirmed as open secret in professional circles that for several years the Bench of which he was a member commanded the largest measure of public confidence. By his erudition, his thorough insight into legal principles, and his ripe judicial experience, he has earned the distinction of being one of the ablest Judges in all India. Mr. Muthusami Ayyar has left his mark on the judicial record. He may be congratulated on the fabric he has reared in laying down the law for the country................We are certain that even if the Statute has not limited the Government's choice to a Judge of the local High Court, the appointment would have been the same........His powers of mind few English Judges have excelled in India."—*Hindu.*

III.

H. E. Lord Ripon's precedent has been followed in a worthy case. Mr. Justice Muthusami Ayyar is one

of the most capable Indian Judges. His judgments are always received with respect. For scholarship and grasp of legal principles Mr. Justice Ayyar has few equals in the Indian High Courts. His elevation to the Acting Chief Justiceship is a fit recognition of merit. What Government has done is bare justice. Any supercession of the eminent Judge would have exposed the Government to a reproach.—The *Hindu Prakash*, *Bombay*.

IV.

When India is able to produce such highly distinguished Judges as the Honorable Mr. Justice Muthusami Ayyar, we fail to understand why the appointment should not be thrown open to Natives. We trust that the time is not far distant when the highest judicial appointment in the gift of the Crown will be thrown open to Natives permanently."—The *Christian Patriot*, *Madras*.

V.

Speaking of this acting appointment, Sir Arthur Collins himself observed later on in these appreciating words :—" He had for some time occupied the highest judicial post in this Presidency as Acting Chief Justice ; and there he attracted the attention of those round about him by the way in which he did his work, and the manner in which he treated those who were immediately concerned with him.*

The above interesting readings are more than sufficient testimony to the popularity of the Acting Chief

* In his speech at the Banqueting Hall.

Judge who had during the very short period added further proofs of his unquestioned competency for it Even when occupying a position which to him was undoubtedly the loftiest pinnacle of departmental greatness and the highest of official responsibility which any Judicial authority can assume in India, Mr. Muthusami Ayyar behaved himself as the same modest and hard-working Judge, never for a moment assuming any air of superiority or betraying any inclination to discourtesy in dealing with his learned colleagues or even asserting high-handed powers over the subordinates in Court, in the discharge of executive duties as Chief Justice. This continued humility on his part enhanced him all the more in the esteem of the public—the only reward which men in high situations can legitimately aspire for. To be called a good man, an able officer and an upright Judge is probably the only reward covetable in life. And this Mr. Justice Ayyar had achieved and he has thereby won a fame and distinction which right-minded men have acknowledged.

Mr. Muthusami Ayyar had often taught his countrymen the lesson that "It is easy to acquire notoriety, but it is very difficult to acquire real distinction which right-minded men will value." How well has he realised the preachment in his own life!

Such, in brief, was Mr. Justice Muthusami .Ayyar His decisions will continue to be quoted throughout the land and for all time to come, at any rate, so long as even-handed Justice between man and man is needed which, indeed, will perpetuate his dear memory far more durably than the Marble Statue since erected by the

grateful public of all Madras to adorn the scene of his meritorious labours and to hand him down as a beacon to his successors on the Bench and, no less, as a model self-made man to inspire hope and cheer into many a poor youth.

CHAPTER XI.

A K. C. I. E.

"Be modest. In an age of charlatism and self-advertisement this may seem a suicidal policy; but you have in this town, among your own country-men a living proof that the greatest abilities and the greatest industry may go hand in hand with modesty, and may yet win not only the highest personal esteem but also the highest official rewards"—*Lieutenant Col. W- Hughes Hallet*, in his Convocation Address to the Madras University.

Created a Knight Commander of the Indian Empire—Congratulating letters from H. E Lord Wenlock—Mr. Justice Kindersely—Sir H. E. Stokes—Sir Charles Lawson—Mr. J.Grose—Mr. G.Cadell—Mr. C. G. Master—Mr. Huddleston—Mr. Justice Brandt—The Law Times—Investiture ceremony—a Public entertainment.

In 1892 the India Government conferred on Mr. Justice Muthusami Ayyar the Order of Knighthood and it was regarded as a further recognition of his great work by the Imperial Government. This again afforded another occasion for his numerous admirers and friends to expatiate upon his brilliant talents, while the Press was, as usual, ready to praise him. Congratulatory letters and telegrams poured in on all sides, European friends and Indian admirers hastening to wish the new Knight a long and happy enjoyment of his deserved honors. Every one of those short epistles evidence the feelings of respect and affection which they had all entertained for the recipient. A few specimens will surely suffice here—

I

Government House, Madras.
May 25, 1892.

My Dear Sir,

I have great pleasure in informing that the Viceroy has intimated to me that the Queen Empress has been graciously pleased to confer upon you the honor of Knighthood.

Allow me, in the first place, to congratulate you most warmly on the acquisition of this distinction and then express to you my thorough appreciation of the manner in which your services to the State have been recognised on the present occasion.

The Hon'ble Sir Justice,
Muthusami Ayyar,
K. C. I. E.

I am, My Dear Sir.
Yours Sincerely,
(Sd.) WENLOCK.

(True copy.)

II.

LONDON,
3rd June 1892.

Dear Muttusami Aiyer,

It was with great pleasure that I heard last week that the Queen has been pleased to recognise your great services to the State, by conferring on you the dignity of a Knight of the Order of the Indian Empire. This was an honour which, so far as I am aware, was never before conferred upon a Judge of any High Court in India and it is a fitting conclusion to your labours. I suppose about this time you must be retiring from the Court, as you must be entitled to a Judge's pension, which, I hope, you will enjoy for many years. You will be glad to hear that my wife and children and myself are quite well *

Yours very sincerely,
(Sd.) J. R. KINDERSLEY.

(True copy.)

* The rest of this somewhat long letter relates to Mr. Kindersley's own family matters.

III.

Madras,
25th May 1892.

My dear Muthusamy,

I was delighted to hear from the Governor last night that you have been made a K. C. I. E. I congratulate you heartily and hope you will long live to enjoy the honor which you have more than deserved. Perhaps you have heard that they have made me a K.C.S.I. I fail entirely to understand the latter and what specially puzzles me is why, when both were going, they did not give you the K. C. S. I. and me who have done nothing to deserve either the K.C.S.I. That would have been the more fitting arrangement. However, let us congratulate one another. I am sure that you and my other old friends among the natives, to whom I am much attached, will be pleased at my good fortune, as they will also, at the much better deserved, but inadequate recognition of your great merit.

Believe me, My dear Muthusamy,

Ever yours sincerely,
(Sd.) H. E. STOKES.

(True copy)

IV.

London, may 25, 1895,
% Messers H. S. K. & Co.,
Cornhill.

My dear Sir Muthusami,

I cannot help thinking that if a *plebiscite* of the inhabitants of the Presidency of Madras had been taken regarding the bestowal to-day by the Queen of Knight Commandership of the Indian Empire on a Native gentleman of Madras, an overwhelming majority of votes would have conferred the distinction upon yourself, and that that expression of opinion would have been unanimously supported by the Anglo-Indian section

of the community. The announcement to-day that you have been promoted in the Order which you have for some years adorned by your high attainments and high character must give great satisfaction in Madras, and will, I trust, be a source of much-abiding gratification to yourself and your kinsfolk and acquaintance. I beg to offer you my own hearty congratulation on this suitable crowning of your distinguished career You have set a very valuable example to your country, and you have reflected honour on the Power which has not been indisposed to afford you a noble field for the exercise of your talents. You will, perhaps, soon be thinking of seeking that rest and retirement which you have deserved by a long and honorable but exhausting public service; and I hope you may long live to enjoy the distinction to which you have to-day been called by Her Majesty our Queen.

With kind regards, I remain,

Yours very truly,

(Sd) Charles Lawson.

The Hon'rable

Sir T. Muthusami Aiyar K.C.I.E.

V.

26TH MAY 1892,

London.

My Dear Muthusamy Ayyar,

I have just seen the list of Birthday Honors and have to assure you of our warwest congratulations on your Knighthood. The general opinion of Madras will be that it could not have been given to one worthier of the honour.

May you long continue to be one of the leaders of your Presidency.

Yours Sincerely,

(Sd) J. Grose.

VI.

1, Whitehall Gardens,
26th May 1892,
London, C. W.

My Dear Sir,

It is a great pleasure to me (as would have been to my father had he been alive) to see your advancement in the Order of the I. E.......Pray accept my best congratulations.

When you get a photo of yourself with the collar &c., of the Order, I should like much to have a copy.

Meanwhile, believe me,

Yours very truly,

(Late of the Madras Forest Dept.) (Sd). George Cadell.

VII.

Earlside, Woodlands Road,
Redhill, London,
26th May 92.

Dear Sir T. Muthusamy Ayyar,

The London Gazette of yesterday contained, several, to me, very interesting entries; among them was your appointment to be a Knight Commander of the Indian Empire. I thought you would not mind my troubling you with a little note of congratulation. I am very pleased to think that the Government of India and the Secretary of State have shown in this way their appreciation of your labours in the Public Service. It is a wonder to me that you have been enabled so long to grapple with the work which High Court Judges have piled upon them, for, I suppose, there has been no dimunition since I left Madras now more than three years ago, but perhaps rather an increase...........I trust you may long be spared to your country and help it forward in the steady path of progress...........

Yours Affectionately,

C. G. Master I. C. S.

VIII.

MAY 26TH, 1892.

Dear Sir Muthusamy Ayyar,

I am very glad to be able to congratulate you on the further recognition of your distinguished services by the Queen in the Birthday Gazette just published and trust you may long be blessed with health to enjoy the well-deserved distinction.

I am sure your fellow-countrymen of all classes will be heartily gratified by this high appreciation of a Judge whom all must honor who have the pleasure of knowing him.

Believe, very sincerely, yours,

(Sd). Huddleston.

IX.

London, MAY, 28TH 1892.

Mr. Justice Brandt, the *Quondam* colleague of Mr. Ayyar, writes a pretty long letter, full of his own demestic notes and refers to our hero thus:—

"When the value of your contributions to the elucidation of the principles of the Hindu Law you have had now for so many years to administer, has been recognised by such authorities as Mr. Whitley Stokes and others capable of discriminating, it will be superfluous for me to say much. You know, however, how much I valued the privilege of having you as a colleague; what confidence it gave one to know that it was possible to have the advantage of your erudition and judgment in any branch of law." *

* Mr. Justice Brandt very often sat with Mr. Justice Ayyar and seldom did he fail to defer to the other's views, nay, distinctly says so in a judgment. For instance, you find on page 517 X Madras Series, he says thus:—"I was inclined to take the opposite view; having however, had the advantage of seeing the judgments written by my learned colleagues Kernan and Muthusami Ayyar J. J. and having further discussed the matter with them, I am content to accept the conclusion arrived at by them on the grounds on which their decision is based."—*Rangasami V Muthukumarappa.*

X.

"In fine, his private virtues and public achievements mark him as a man, head and shoulders above the average of our community; or we should rather say, bracket him with the best men we possess, either European or Native. Respected by all the communities which go to make up the population of this polyglot city; held in the highest esteem by his compeers on the Bench; recognised in the Guild of Letters as a Fellow of the Madras University, and to cap the climax, honoured by the Queen with the investiture of Knighthood, Sir. T. Muthusami Iyer, must be, indeed, a proud man to-day, if indeed he be capable of giving way to a feeling to which his nature is so much a stranger. But more words on our part would be idle. We, with the rest of the world, salute him Knight, while desiring that long years of life may be extended to him for the enjoyment of his well-earned laurels:—
—The *Law Times*.

This title or the Insignia of the Order of the Knight Commander of the Indian Empire was conferred on him formally at the Investiture *levee* held in the Banqueting Hall, Madras, when H. E. Lord Lansdowne, the Viceroy, was in tour, on the 24th November 1892. His Excellency the Grand Master investing Mr. Justice Muthusami Ayyar with the Riband and Badge of the Order, spoke thus:—

"In the name of the Queen and Empress of India, and by Her Majesty's Command, I hereby invest you with the Honorable Insignia of the Order of the Indian Empire, of which Most Eminent Order, Her Majesty has been graciously pleased to appoint you to be a Knight Commander."

XI.

The following reprint from the *Hindu* shows how the Native public rejoiced at this event :—

There was a very pleasant evening at the Cosmopolitan Club, on Saturday last. The occasion was the entertainment by the members of the Club to Sir T. Muthusawmy Iyer, a fellow member of theirs, as a token of their congratulation to him on his recent elevation to Knighthood. An Entertainment Committee was organized for the purpose, and the direction of affairs was chiefly in the hands of Rai Bahadur P. Runganada Moodelliar, Secretary of the Club, and Rajah Sir Savalai Ramasawmy Moodelliar ; and it goes without saying that everything was well done ; and that the whole entertainment and every detail of it was well conceived and executed. Carriages began to drive up before 6 o'clock, the hour appointed for for the commencement of the entertainment, and very soon a large and select assemblage of Madras society were collected together to participate in the rejoicings of the Club. Driving up towards the house, one found the ordinarily dull surroundings improved and enlivened for the occasion with all the assistance that art could render. The grounds of the compound were neatly laid out, and the plantations neatly clipped. A circular arch covered with pieces of crimson cloth interwoven with variegated colours was erected at the entrance, at the topmost roof of which welcome flags, rustled in the breeze. The path-ways illuminated with rows of tin lamps knit closely together and suspended in triangular frames from an iron wire moving from end to end. Temporary towers were put up in the centre and they were bathed in light, thus magnifying the general effect. The parapets and balconies of the building were decorated with coloured lights most artistically arranged, so that as one drove up to the house, the scene presented to him was one of unusual brilliance and magnificence and while even close at hand, this was grand, the old saying was fully proved, distance lends "enchantment to the viѐw." The scene described above was led up, all through, and the interior of the building was nonetheless grand. The interior was tastefully decorated and the path-ways bounded on both sides by closely arranged flower pots and crotons were covered with scarlet baise, the walls being clothed halfway up in a material of similar colour. Wall lights and chandiliers shed rich lustre ovre the scene below enhancing its superb grandeur. As soon as the distinguished guest of the evening arrived, a hand located in the rear compound greeted him in lively airs, while at the gate, a host

of friends had gathered together to offer their welcome and congratulations on the well-deserved honors which have of late grown thick on him, Sir T. Muthuswamy Iyer accepted the general welcome with a genial smile of gratitude, and returned his thanks to every individual who had come there to express his rejoicings at his elevation. He was then led uptairs where, in the main hall, there was a short sitting wherein some music was played on the *Veena* and fiddle. A whistler showed some specimens of whistling and this was aplauded by the audience. This over, a move was made to the open balcony from whence the grand scene below was surveyed and enjoyed. Refreshments to the European guests were here arranged, but they were very sparingly used, for the other classes of the guests, provision was made in the rooms downstairs. The evening was in all respects a thoroughly enjoyable one, and many pleasant recollections must have to be associated with it. The scene, made up as it was with innumerable lights and transparencies, must be described to be one of true oriental splendour, such as the eye loves to see and the mind to dwell upon. The rejoicings were beginning to close and the distinguished guest of the evening soon after left. The guests assembled to do honor to the occasion, began to leave also when the hour was approching 8 P. M.

CHAPTER XII.

HIS CLOSING YEARS.

"TO SLEEP! PERCHANCE TO DREAM;—BUT THERE'S IS THE RUB;
FOR IN THAT SLEEP OF DEATH WHAT DREAMS MAY COME, WHEN ARE WE
SHUFFLED OFF THIS MORTAL COIL! —SHAKESPEARE."

His Continued *Illness—Succumbs to it—Condolences, personal and public—The tale ends.*

Sir Justice Muthusami Ayyar fell ill in November 1894 and early in December recovered a little of his health. He then attended the Court and looked to his work with the same earnestness and zeal, though with much diminished health and vigour. His medical advisers and friends no doubt dissuaded him and even warned that a continued strain of work while in such a weak state of his body might seriously injure him. Somehow he chose to be at the place of his duty so long as he could do so. But his health had meanwhile been so shattered and his once strong constitution had so much fallen a victim to the enormous energy which made him the great man, that he again fell ill at the close of December, which dragged on, * amidst alternate

* It was during this illness that Mr. Muthusami Ayyar had frequent delirium some nights, when, he used to repeat some of his old judgments, so accurately that they looked as if he read with copy on hand. At that time he was engaged in writing the judgment in the famous Uttumalai Zemindari case and all feared he might speak out his mind on that matter. His state of health was oftentimes so hopeless that, in fact, his end was expected at every moment and the daily papers had almost ready their obituary notices about him, one or two papers even in type. Bulletins were issued every day about his health in the local news-columns of the *Hindu*. In this extreme suspense a week had passed and he lingered

fears of hope and despair, till January 25, 1895. Notwithstanding the best medical advice so ready at his disposal, despite all the prayers of his loving friends and admirers who, too, spent an anxious time all during his bed-ridden illness, Fate had it otherwise and he all of a sudden and in his best consciousness, breathed his last.

The last hours and moments of great men are always of much interest to the world at large and it is due to our hero to say that he kept on growing worse for days and that on the particular night of his death, he was abed, as usual, attended by his anxious family, his faithful doctor and his sincere friends like the late Divan Bahadur T. Venkasami Row. His son Mr. Swaminadier was giving his dose of medicine at regular intervals during the night and used to retire to his next room for rest or watch. He had so administered the dose due at the early hour of 2-A. M. and the father after drinking it with his own hand—in all perfect consciousness of mind—then bad the son go back to his retiring room, both feeling that the patient was all safe. The dim taper was burning in the room, the son, the

even longer than some had expected. Mr. T. M. Swaminadier, his son, was then the District Judge at Nellore and he was coming often to comfort his father, and the writer well remembers how on one occasion Mr. Justice Ayyar strongly urged his anxious son to go back as soon as his period of leave had expired and to join duty forthwith, even though the whole family desired that the son should prolong his stay at Madras and extend his leave for a few days more. After much altercation, however, the son had to go, but only to return very soon, and in a special train, to be by the father's death bed. This incident amply illustrates his own devotion to duty and so far as it was possible, his insisting it on others.

wife, and others were in the next close apartment, and so another hour had passed away. It was about 3-a. m., a call was heard from the sick-man's room in a low, fainting voice, and before any of the inmates could run up and answer, the Judge had breathed his last, his life had become extinct, and he only looked sleeping in all majesty. Alas! It proved a sleep from which no amount of awaking, no loving call, no loud cry, could rouse him up; for, the cruel hand of Death had meanwhile claimed him as his own, though amidst calm and sullen solitude, in full consciousness, in perfect peace and without any last words to any one near. Who can say if his last call to his son was for a word of farewell to his large family? Who shall dare say if it was not perhaps for a parting advice to those around him or for his assuring them all that he was dying then peacefully with faith and hope? As a God-fearing Hindu, believing in a future birth according to each person's virtuous deeds in this earthly life, he must have been among those who had died with a peaceful mind, fearing nothing, but hopeful of everything good and blissful in the regions beyond man's ken. We can only say that he must have felt with Goethe,—

"If I work incessantly till my death, Nature is bound to give me another form of existence when the present can no longer sustain my spirit."

Or perhaps like Napoleon I. who said:—"There is nothing terrible in Death; he has been my bed-fellow for the last three weeks, and now he is about to take me away for ever."

After all, whatever be a man's glory on Earth, a time is fixed him to quit it and when the last scene of the drama is over and the curtain has fallen, every actor can only exclaim,

> " Come he slow, or come he fast,
> It is but Death who comes at last".—*Scott.*

Then a great, good soul had left its mortal coil and this Presidency lost one of its ablest men. His only son, his aged wife, and numerous relations mourned his loss—which to them was the greatest domestic affliction and shock conceivable. They had all lost their prop, their ornament, and what not? In such sad bereavement, however, they had the comforting consolation that their intense grief was shared by the whole public of Madras—by every community constituting it. The mournful news ran apace and the residents of Mylapur felt the shock to a man and hurriedly thronged to their great Judge's residence—rich and poor, official and non-official alike—to have their last look at him. Sobbing and weeping, sighing and crying which usually characterise a Hindu household when any of its inmates dies, were, of course, conspicuous on the occasion and the large motley crowd that soon gathered to weep for him abundantly testified to the love, respect and esteem which the public entertained for the departed. By the hour of II A. M. the crowd began to disperse and the various funeral rites and ceremonials being over in the orthodox fashion, the physical frame of that mighty intellect was got ready to be taken out for the cremation ground. Many distinguished citizens, European and Indian, drove to the bungalow that morning, to

evidence their deep sorrow for the loss of one of their most talented countrymen. At last, mourned by all classes of the city population and accompanied by the best of his friends and relations, Tiruvarur Muthusami Ayyar was removed his fine, self-earned residence, amidst the loud prayers to the Almighty God to bless his soul with ever-lasting peace and happiness which he, by his true piety, great devotion and undoubted honesty, has deserved so well.

There was, then, public mourning throughout the Presidency. Telegraphic messages at once conveyed the sad news to all important centres in India and beyond the seas. The High Court of Madras suspended its work and closed for the day. So also most of the Courts in mofussil stations. Public bodies and Associations hastened to convey their expressions of Sympathy for the family of the Judge. Condolence letters were received from all quarters of India. Relations visited the home and condoled with the sorrow-afflicted son and wife. In a word, the event had evoked universal sympathy and sorrow. Here is a specimen of the poetical outburst of a good friend, which appeared in the columns of the *Hindu* dated 25th January, almost spontaneously: —

For God—World's Soul,—and his *alone*, I—mine,—should be;
But ne'er for *me* or aught, that like not His and He!

I. "Tho' great at first, one by degrees grows small;
Tho' small at first, th' other by grades grows great.
Thus wide differs bad and good folks' friendship,
As day's shadow, *before* and *after*, noon."

—(An ancient Sanskrit Text.)

II. Years thirty-six have rolled, since we grew friends, Mut'sami;
Yet, 'thout a moment's hindrance, hath our good will grown!
Thy wisdom and thy virtue, sole, account for this.

III. "Men of goodness there are, but men of wisdom they are not;
Men of wisdom there are, but men of goodness they are not.
He that's good and wise, to men a rare acquirement is,
As *that* med'cine is hardly got which sweet and healing is."
(Bhartri-Hari.)

IV. Wisdom and goodness mixed beyond cavil in thee,
Though, *sixty-three years*, earth was with thy presence blest!

V. Thou hast been praised by rulers and the ruled, alike.
Who else but thee, earned such consensus rare of praise?

VI. As thou, to Duty steadfast true, didst shine as first on earth,
May'st thou in higher sphere too sit as first, 'mong Saints!

VII. By thy example taught, may thy good son and friends,
Reach heights not reached even by thee, as says the text;—
"Let all souls seek to be by their posterity surpassed"!

YOGI. S. PARTHASARATHY AIYANGAR,
A Retired Vakil of the Madras High Court.

To all intents and purposes, here ends the life-tale of this eminent personage.

In the next two Chapters appear a few specimens of appreciative references to this distinguished Son of India. Those utterances have been carefully compiled from the speeches at the many public meetings held all over South India to honor his memory and from the leading articles published in the Madras Press. Some others have been *specially invited* from the eminent Jurists of this land as their fresh contribution to the *Symposium* and opinions of over fifteen representative gentlemen have been selected. All these have sung the same praise and it is worth reading. It was thought

very desirable that such public eulogium should be preserved in a handy form, in order that it may serve to emulate and inspire posterity to similar paths of Duty, because, they are the ways to Glory,—

> " Long, long be my heart with such memories fill'd
> Like the vase in which roses have been distill'd !
> You may break, you may shatter the vase if you will,
> But the scent of the roses will hang round it still".—*Moore.*

1895
1832
63

3 days less of 63 years

CHAPTER XIII.

CONTEMPORARY APPRECIATION.

"I look on that man as happy who, when there is question of success, looks into his work for a reply, not into the market, not into opinion, not into patronage. In every variety of human employment, in the mechanical and the fine arts, in navigation, in farming, in legislating, there are, among the numbers who do their task perfunctorily, as we say, or just to pass—and as badly as they dare—there are the workmen, on whom the burden of the business falls; those who love work, and love to see it rightly done; who finish their task for its own sake; and the State and the world is happy that has the most of such finishers. The world will always do justice at last to such finishers; it cannot otherwise. He who has acquired the ability may wait securely the occasion of making it felt and appreciated, and know that it will not loiter. Men talk as if victory were something fortunate. Work is victory. Wherever work is done, victory is obtained. There is no chance, and nc blanks. You want but one verdict; if you have your own, you are secure of the rest. And yet if witnesses are wanted, witnesses are near."—*Emerson.*

AN INTERESTING SYMPOSIUM.

The Madras Government.

H. E. Lord Wenlock
Sir. Arthur Collins (A and B)
Sir. Henry Bliss
Hon'ble Srinivasa Raghava Iyengar
Sir. Gerorge Arbuthnot
Mr. F. Rowlandson
Diwan Bahadur. P. Srinivasa Row
Diwan Badur P. Rajarathna Mudaliar
Hon'ble Mr. Spring Branson
Raja. T. Rama Row
Mr. Justice Shephard
Interesting Correspondences
Sir. Arnold White
Mr. Whitely Stokes
Mr. Justice Sarada Chandr. Mitter
Sir. J. D. Rees, M. P.
Sir. Charles Lawson
Mr. Justice C. Sankaran Nair
Mr. O' Chanda Menon
Sir. A. Seshiah Sastri
Professor Sadhu Seshiah
Hon. K. Kalyanasundram Iyer
Sir. Pherozshah Mehta
Mr. Wilfred Scawen Blunt
Mr. T. Ramasami Iyengar
Sir. Gurudas Banerjea

The Right Hon'ble Syed Amir Ali, C. I. E.

I.—FORT St. GEORGE GAZETTE.

The Government of Madras in its issue dated 30th January 1895 noticed the death of the Hon'ble Sir. Justice Muthusami Ayyar in the following appreciative terms:—

"The Right Honorable the Governor-in-council (Lord Wenlock) has received with profound regret intelligence of the death, on the 25th Instant, of the Honorable Justice Sir. T. Muthusamy Ayyar, K.T.C.I.E. A man of blameless life, and a Judge of conspicuous learning, insight and impartiality, his death will long be lamented and his memory honored alike by Government and by all classes of the population of the Presidency of Fort St. George."

II.—H. E. LORD WENLOCK.

"It would be idle for me to discount at any length on the merits and great abilities of Sir. T. Muthusamy Ayyar. But as the head of the Government, I should like to say that in all the time I have been associated with this Government, I always obtained from him the very greatest assistance and the very kindest support in all matters with which we were connected. For a great number of years, for about forty years, Sir. T. Muthusamy Ayyar has been identified with public life in this country. Starting as he did from the very bottom of the ladder in the humble position of the Record-Keeper in the Collector's office, he had attained to the highest judicial office that is attainable by any Native of this country. I must say that nobody who had watched his career could but be thoroughly satisfied with the great ability, conscientiousness and

integrity with which he carried on the duties which fell to his lot. He was always courteous in manner, and always ready to turn a willing ear to everybody who approached him. He was simple and unostentatious in his manner of living, and in his daily public work he devoted the whole of his energies and the whole of his brillities to the interests of the public in a most marked and conspicuous manner. He received the honor of Knighthood on the 25th May 1892, and I think I may safely say that rarely has that distinction been conferred upon any one who has borne it with greater brilliancy and greater success."

III. (A.)–SIR. ARTHUR COLLINS.*

Mr. Advocate-General and Mr. Rama Row—I cannot refrain from expressing our very great respect at the loss we have sustained by the death of Sir. T. Muthusamy Ayyar. His death is a loss to the whole country. A profound Hindu jurist—a man well-versed in English law, of exceptional strength of mind and possessing that most useful quality—common sense, he was undoubtedly a great judge—very unassuming in manners —he had great strength of character. His judgments were very carefully considered and the decision he ultimately arrived at, was in the great majority of instances, upheld by the final court of appeal. His advice was often asked for by the Judges of the High Court and I speak from experience, was freely given and was most valuable. He was a man who did honor to the great profession of the law—an upright Judge

* A. From his seat on the Bench.

who administered justice without distinction of race or creed—a well-read scholar, a gentleman in the best and truest acceptation of the term. The High court by his death has sustained a very heavy loss—a loss which it can ill-afford. We must express our sympathy with his family, and we feel sure that his name will always be remembered as an honored and respected Judge."

III.—(B) SIR ARTHUR COLLINS.

"I was associated with Sir T. Muthusami Iyer for over nine years, and so met him nearly every day in my life. He was a great Judge and a good man. He began life in humble way, he worked step by step, and in every occupation of life that he was in, he adorned that occupation. He did his work thoroughly and well. ....Wherever he was, he attracted the attention of those around him, and those above him. For over 15 years he was a *Puisne* Judge of the High Court, and I can only say, speaking frem my own experience, and speaking from the experiences of the Judges whom I see around me, that he was a *Tower of strength* to that Court. Unassuming and almost too unassuming—he had great independence of character and thought, and if he did, which he very often did, give long Judgments, those Judgments were so well thought out, that they generally proved to be right and righteous Judgments. I think I may say that when he made up his mind, which he was sometimes slow to do, he never deviated from that which he believed to be the right path. He had for some time occupied the highest judicial post in this Presidency as Acting Chief Justice! and there he attracted the attention of those round about him by the

way in which he did his work, and the manner in which he treated those who were immediately concerned with him........As a Lawyer, as a Judge of the High Court, he will be remembered for many years. Volumes of the Madras reports will show those who take any interest in law and wish to see what his work was, his Judgments. On Hindu Law, perhaps, he was the greatest authority in this country, sound, good and never trying to break down old customs ; never afraid of saying that which he believed to be true, even if he had to differ from some in cases that were decided. As I said before, he was absolutely a tower of strength to the High Court.

IV.—THE HON'ABLE SIR H. W. BLISS.

"We should endeavour to see what lessons we can learn from the life which has passed away. I think we can sum up Sir. T. Muthusami Iyer's life in very few words. I will say that he was distinguished by a thorough performance of duty. Now, what is duty ? Duty is that which is due to one's self, due to one's friends, one's dependents, and one's countrymen. In fact, I will sum up in the words that were used 1900 years ago " Render unto Caesar that which is Caesar's, unto God that which is God's." It seems to me that judged even by this standard, in the career of the late Sir T. Muthusami Aiyer we have a conspicuous instance of conscientiousness and devotion to duty. I rejoice to think that this high ideal of devotion to duty has met with great reward, not only in the high honors to which he attained, but in the respect and admiration of his countrymen. Not only in that, but I must say also in

that deep sense of inward satisfaction and thankfulness which a man feels when he knows he has done his best, and his best has been pronounced to be good. It is not given to us all to rise to high rank and attain great reward and fame amongst one's countrymen, but it is given to us always and under all circumstances to manfully do our best to maintain a high standard of rectitude and industry, and those who seek to do so could order their lives—I specially appeal to the young amongst you—cannot do better than follow the model of the life of this able and upright Judge."

V.—SIR GEORGE ARBUTHNOT.

"I am very glad to have this opportunity of giving expression to what I know to be the universal feeling of the mercantile community at Madras; that feeling is one of unqualified admiration for his remarkable and I may almost truly say, illustrious career. It is indeed but right that we should all desire to join in commemorating the admirable life and the many virtues of the great citizen of Madras. Although it does not need the cynic's "marble mountain over his grave," to ensure that for many a long year to come the name of Muthusami Aiyar will be a household word throughout Southern India, yet, I deem it but natural and fitting that we should desire to have some presentment of the actual man himself as he lived and worked amongst us, and as he won the friendship and affection of those who were privileged to know him intimately—the respect and admiration of all. His, indeed, was "the white flower of a blameless life"—a life in which selfish

desires and ignoble ambitions found no part, but which was wholly given up to the determination so to educate and use those remarkable gifts of mind and intellect with which he was endowed as to devote them best to the public good. In this vast country, this mighty Empire of India, with its diverse nationalities, its conflicting, its widely divergent ideas of social usages and observances, there cannot but be at times friction and disagreement, and there are prejudices which are not easy to be overcome. But I hold that the life of a great man,—such as he—I care not what his nationality or his religion may be, does more than anything else to break down the wall of these prejudices, and to bring us all together on a common level as citizens of an empire of which we have good reason to be proud, and for my part, I can conceive of no higher ideal, no loftier ambition than so to live one's own life that that life by force of example and by the respect and admiration which it creates may help to break down the barriers which divide Hindoos and Mahamadans, and Europeans and to unite us all in the determination steadfastly to do our duties as fellow—subjects and citizens. Such a life was that of Sir T. Muthusami Aiyar."

VI.—Mr. F. ROWLANDSON.

"Speaking of Sir T. Muthusami Aiyar, he remembered a passage from a speech delivered a 100 years ago before the Peers of England in the Upper House of Parliament by that great and clever Irish Orator Sheridan, who apostrophised Justice thus:—"August and pure, the abstract idea of all that would be perfect in the spirits and the aspirings of men,—where the mind rises

where the heart expands; where the countenance is ever placid and benign; where her favourite attitude is to stoop to the unfortunate; to hear their cry and to help them; to resent and relieve; to succour and save;—majestic from its mercy; venerable from its utility, uplifted without pride, firm without obduracy; beneficentin each preference, lovely, though in her frown."

"I venture to ask whether when that type of Justice was pictured by Sheridan a 100 years ago, could any one have supposed that that type could have been so completely fitted by the character of the great Indian Judge· Many words in the sentence as I read it strike me as applying to him. "Venerable from its utility, uplifted without pride, firm, without obduracy, beneficent in each preference."— No words could have summed up better the character Sir T. Muthusami Aiyar."

VII.—DIVAN BAHADUR S. RAJARATHNA MUDALIAR.

"Sir T. Muthusami Iyer possessed sterling qualities as a man and a Judge. He was indeed a good and great Judge and for many years to come they would never see the like of him."

VIII.—DEWAN BAHADUR P. SRINIVASA ROW.

"In the death of the Hon'ble Sir. T. Muthusamy Ayyar, we have lost a renowned jurist, a most zealous public servant and a highly respected citizen."—In the *City Civil Court.*

IX.—THE HON. Mr. J. H. SPRING BRANSON,

"My Lord:—It was only a few days before the death of this good and great Judge that I had the opportunity of addressing him, and little did I think then that it would be the last time I would address him. On Friday

morning, when we learnt of his death, we were not prepared to express as fully and as adequately as we ought, our very great regret at his loss. On behalf of the Advocates and Attorneys of this court, I take the opportunity now afforded me to pay our tribute of respect to the great Judge who has passed away and whose loss we all deeply deplore. He was the first Hindu Judge, I think, who sat in this court, and he fully justified the expectations entertained of him. His high educational attainments, his vast judicial experience, his patience, his learning and his sound judgments commanded the respect of all, and where questions esp. of Hindu Law, were concerned, it will be conceded, they were unequalled. By the faithful discharge of his duties, he was the worthy recipient of the honors of his profession. I speak now for myself as one who sat with him as a Judge in the Small Causes Court. I remember when I sat with him I often talked to him —and not in vain—for help and guidance. His life teaches us very valuable lessons. His sterling qualities of head and heart endeared him to all those who had occasion to come before him, of whom there are very many now on the spot.*

X.—Raja T. RAMA ROW.

"My Lord—I, on behalf of myself and my brother Vakils, beg to express our deep and heart-felt sorrow on this melancholy occasion of the death of the late Hon. Justice Sir. T. Muthusamy Ayyar Kt. C. I. E. He was appointed as a Judge of this Court in Sept. 1878 on account of his rare abilities and constant attention to

* Reply to the Chief Justice's remarks in the High Court.

duty and he has ever since been uninterruptedly discharging the great, arduous and responsible duties of his high office except on one occasion, when he took leave for a few months. He was the first Native that was raised to the honorable position of a Judge of this High Court. His career will mark an important epoch in the judicial administration of this Presidency. The many volumes of the Madras Reports bear undying testimony to the excellent work he has done. His conscientious devotion to duty, his ripe experience, his wide and varied knowledge of law, and his remarkable powers of comprehension very soon commanded the affection, respect and esteem of the Bar, and his colleagues in the Bench. His calm and judicial temperament and constant solicitude to find out the truth and administer complete justice to suitors endeared him to the general public and earned from them an unqualified admiration and regard for him. In him we have lost a learned and an eminent Judge, your lordships a worthy and entertainable colleague and counsellor, the Government a most valuable public servant and people of this country a highly respected citizen and a sincere friend and well-wisher. In his private life he was most simple, unassuming and possessed of virtues of a very high order. His death is not only a loss to his family and this court of which he was an ornament, but it is a public misfortune affecting all classes of the community."

XI—HON. Mr. SRINIVASARAGHAVA IYENGAR.

His opinion of Sir. T. M. Iyer's early life has already been published in a previous chapter and the following is his estimate of Mr. Ayyar's judicial work :—

" His achievements in that high office have commanded the admiration of great English Judges and Lawyers. I may, however, refer to the spirit in which he devoted himself to his calling. In the University Convocation address delivered by him in 1882, he described to the Graduates in Law in the words of the Hindu Lawgiver, Manu, the feelings with which persons appointed as Judges should enter upon their sacred duties. These words have often been quoted, but they embody so noble and lofty an ideal that I may repeat them here :—" The Court of Justice," says Manu, "is a sacred temple ; the Judges presiding over it are, though men, humble instruments in the hands of an unseen deity who influences their judgments in the interest of truth, and those who enter this holy edifice with unholy thoughts or desecrate it with unworthy actions are traitors to their God and country." During the long period of 17 years he held the office till the moment of his death—and he died almost literally in harness—he never for one moment forgot to place before himself this noble ideal; and his long familiarity with judicial work, did not in the least blunt his keen, almost oppressive sense of responsibility for finding out the truth in every case submitted to his decision ; he weighed the evidence in the cases decided by him even in the last years of his life with the same anxiety and scrupulous care with which he weighed the evidence in cases he had to decide soon after he was appointed to the office. I have often thought that his Judgments which are master-pieces of lucid exposition were produced by a process similar to that which is said to be at work in Nature's laboratory in the production of diamonds. With such a high ideal

before him which necessitated incessant labour the time he could spare for other public and social duties was necessarily limited.

"Nevertheless, the work which devolved on him as a Fellow of the Madras University, as President of the Faculty of Law, and as a member of the Syndicate, was considerable, and he had to take a leading part at many public meetings, though his work in these directions was over-shadowed by his grater achievements as a Judge.

"I have sometimes heard a report expressed that he allowed his judicial work to engross nearly all his time and energies, and that he did not devote more time to other public duties in directions which his great intellectual gifts, his large experience, his soundness of judgment, and his social influence would have rendered his aid and counsel invaluable. I don't know whether it would be permissible to a Judge to do this, in any large measure, in any case; but so far as Sir. T. Muthusami Iyer was concerned, it was impossible in view of the high ideal he had formed of his calling. And I venture to think that the Native community, at any rate, has no reason to regret his decision. I remember that when 17 years ago Sir. T. Muthusami Iyer was called to his office, though all those who knew him predicted for him splendid success, there were not wanting newspapers, which gave expression to the doubt and misgiving felt by certain communities as to the issue of the experiment then inaugurated of appointing a Native of the country to a seat on the High Court Bench; but the fact that the same communities have

come forward on the present occasion to testify not merely their respect to and admiration for Sir. T. Muthusami Iyer as a Judge and a man, but also their generous appreciation of his work as one entitling him to take rank among the great Judges of their own country, is in my view, due to the determination he had made to attain the highest eminence in his own calling and to allow no other smaller object to interfere with it. The native community has every reason to cherish the name, memory and fame of Sir. T. Muthusami Iyer as a precious possession."

XII.—SIR. JUSTICE SHEPHARD.

Addressing the Bar on the Original side of the High Court that very day (25—1—1895), Mr. Justice Shephard said :—

"We all regret the death of our learned colleague Sir Justice T. Muthusami Iyer. Next week when the Court meets as a whole, an opportunity will be taken by the Chief Justice and an opportunity will be afforded to the members of the legal profession, to give expression to the deep feelings of regret, the feelings of respect, admiration and affection which we all entertain for the late Judge.

"At present it seems to me sufficient to say that we have lost a learned and a great Judge.

"We have lost also, many of us, a warm and a sincere friend and a wise counsellor."

"If a great capacity for taking pains, extreme scrupulousness in work, a wide and varied knowledge of

law and an unswerving sense of justice and fairness are qualities which go to make a great Judge, then I think I may say without any flattery that the late Judge was such a Judge."

[NOTE.—In the above few words Mr. Justice Shephard has left on record his *respect*, *admiration* and *affection* for his colleague. He has called him a *learned* and a *great Judge* of that Court, besides describing him also as a *warm* and *sincere friend*, and a *wise counsellor*. Mr. Justice Shephard had for years practised before Mr. Ayyar as a Barrister and as Advocate-General of that Court, before he was himself appointed as a Judge. Both had often worked together on Divisional Benches, as Reported Cases amply testify to it. Mr. Shephard had had, therefore, abundant opportunity of knowing Mr. Ayyar's method of work and his legal learning. His ideal of a Judge,—a great Judge—had to possess '*Great capacity for taking pains*', '*extreme scrupulousness in work*', 'a *wide* and *varied knowledge of law*', and "*an unswerving sense of Justice* and *fairness*", and tested by his own high standard of those qualities, he regarded Mr. Ayyar as "such a Judge".—which estimate he added, was not flattery. There was no doubt about his opinion of Mr. Ayyar's greatness as a Judge. Later on, Mr. Justice Shephard worked also with Mr. Justice Bashyam Iyengar on the same Bench and then retired from service. When Sir V. Bashyam Iyengar died about a year ago, Mr. Shephard chose to write to an English paper paying a high tribute to his old colleague's ability and erudition, and therein stated that Mr. Bashyam was the most learned and the ablest Indian he had known, and added—"not even excepting the late Justice Muthusami Iyer." Mr. Shephard having thus started out a difference and comparison between these two eminent Indian Judges, the present writer thought fit—out of mere curiosity—to address Mr. Shephard inviting his further expression of opinion on the distinguishing merit of Mr. Bashyam and on his superiority, if any,

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over Mr. Muthusami. What was at first mere curiosity very soon became his biographical duty, when others were attracted, perhaps startled, by this responsible pronouncement of Mr. Shephard, esp., as he had so closely known both the Judges. For instance, the following extract from the London Letter, published in the *Madras Mail*, dated Dec. 22 of '08, signed by *H. C.* has given in this country as well a wide publicity to Mr. Shephard's opinion:—

"Sir Horatio Shephard has had great experience. He frankly admits that Sir V. Bashyam Iyengar was the ablest and most learned Indian in the circle of his acquaintance, not excepting even Sir. T. Muthusami Iyer, with whom the late Sir W. W. Hunter was greatly impressed, when the Education Commission was in Madras in the early eighties. I recollect Sir William Hunter saying to me that HE REGARDED MUTHUSAMI IYER AS THE *ablest Indian Official he had met anywhere in India* and THAT BENGAL *had not at that time any such product of Western Education*".

Mr. Shephard's condescending reply to the query goes to confirm his former opinion, but throws some further light on his estimate of the late Sir Muthusami and, in effect, accounts for the distinction he had drawn in their capabilities, in a manner that prohibits any misunderstanding of his position now :—

58, MONTAGUE SQUARE,
London, 18th Feb.

DEAR SIR,

"I am in receipt of your letter of 13th January and thank you for your good wishes."

"I need say nothing of his (Muthusami Iyer's) moral qualities. A kinder-hearted, more considerate, juster man I never knew. I dare say he was a better Judge than Sir V. Bashyam; he certainly was an excellent one. But as a Lawyer, I think, Sir V. Bashyam surpassed him, in this way, that he was more versatile and more subtle and acute. His training was a much wider one; better I think, for, there is nothing like the training of an Advocate. With a longer

experience on the Bench I cannot help thinking that he would have left on the reports a more important mark than was left by his predecessor. As it is, you must allow he did pretty well.'

"I hope nobody took my allusion to Sir T. Muthusami Iyer as a disparaging one. The two men were widely different, each in his way remarkable. Naturally I came to know Sir V. Bashyam more intimately than I did the older Judge. I had the greatest regard for both of them. This is all I can say and you are at liberty to make what use you like of it."

Yours Sincerely,
(Sd.) H. H. SHEPHARD.

Yes, Reader, if Sir Bashyam could have left a more important mark on the Reports if he had adorned the Bench for a longer period and scored more experience, surely. it must have been equally easy for Sir. Muthusami to have stored up a more versatile information, if instead of a training in the Judicial service only, he had had also the advantages of the training of a lawyer. All the same, Sir Horatio distinctly says that Sir. Muthusami was a better Judge than Sir. V. Bashyam. Herein lies the comparison.]

XIII.—SIR. J. D. REES.

"The late Sir. T. Muthusami Iyer was an old and valued friend of mine, and I worked under him as Deputy Registrar of the High Court of Madras for many years. I was a great admirer of Sir. Muthusami, and he always treated me with the greatest kindness and consideration."

"His great abilities were only equalled by his modesty, and he was a man of the most broad-minded charity—entirely free from official, caste or intellectual pride." *

*In reply to the writer's invitation of his opinion about the Judge.

XIV.—Mr. O. CHANDA MENON.*

"Sir. T. Muthusami Aiyar attained such eminence not by any accident, or any freaks of fortune, but by real worth and merit. As a Judge and Jurist the whole of India respected and admired him and when he after a very useful, long and honorable career, passed away from the bosom of his family, full of years and honors, there was universal regret felt, not only in India but also amongst great Statesmen, Judges and other high State Officials. This is, indeed, very high praise,—praise which must satisfy human ambition however high. To realise the qualities of his head and heart fully, it would not suffice to read his admirable writings, one should have the privilege of his personal acquaintance and association,..................."

"I would venture to say that the opinion of many men competent to judge of him, is that he was second to none of his contemporaries in the Judicial Service of India in legal attainments, in the capacity for judicial investigation, in independence, in patience and industry and that none wrote more elaborate, more thorough, more learned, more convincing judgments than Justice Muthusami Iyer did. You may not find any brilliant wit and genius in any of his writings. On the other hand, you will undoubtedly find them remarkable for the depth of learning and thought displayed in them, for the sober and convincing arguments arranged methodically, and clothed in pure idiomatic and forcible English which he wrote like an Englishman."

* Sub Judge at Manglore in his speech at the Muthusami memorial meeting.

XV.—SIR. CHARLES LAWSON.

"I shall always feel delighted to pay a tribute of respect for the character and gifts of one who was an honor to his country and a distinguished ornament of the Bench of Madras."(1)

XVI.—RAI BAHADUR SATHU SESHAYYA.

"About thirty years ago while the late Sir. Muthusami Iyer was an Inspector of Schools, I, a school-boy then happened to see him, and from that time the impression of bright appearance which the Inspector possessed always struck my mind. As time went on, he happened to cultivate his friendship which was an honor to me, and strangely, too, the first old impression never got out of me. To sum up his virtues, I can only say that I had not known one more devoted to duty, more conscientious in the discharge of that duty, and more unwearying in patient toil than the great man just lost to us. One among the special characteristics of Sir. T. Muthusami Iyer was his *throughness in work*; whatever he undertook he did it throughly, cost him what labour it might. If Sir. T. Muthusami Iyer won the distinction of a great Judge, it was by a life—long devotion to duty, to which the vast and varied knowledge of his master-mind was made ever serviceable. The coming generations would know that in India, as from its earliest periods, the true passport to distinction and glory were not wealth, but knowledge and virtue. We have all lost one of the best Indian Judges, who died at the post of duty, and at its call.(2)

(1) Extract from his recent London letter to the writer.

(2) His speech at the Memorial meeting at Kumbakonam.

XVII.—Mr. WHITLEY STOKES.

"My principal source of help has been the decisions of the High Court Judges published in the Indian Reports from 1862 to 1886, inclusive—decisions which not only throw light on the ideas and customs of the people of India, but are as a rule, (if I may say so without impertinence) admirable for their logicality and learning. Of these judgments, none can be read with more pleasure and few with more profit than those of the Hindu Muthusami Iyer and the Mahamadan Sayyed Mahmood. For the subtle races that produce such lawyers no legal doctrine can be too refined, no legal machinery can be too elaborate."—*In his general Introduction to his Anglo-Indian Codes.*

XVIII.—A. SESHIAH SASTRI, K. C. S. I.

"Having been associated with him for a very long time from his school-days, I had enjoyed the foremost friendship with T. Muthusami Iyer. I am certain that in his death and that of the late Sir. T. Madhava Row both of whom belonged to the batch of 'Proficients, while being also Natives of Tanjore, Tanjore has lost two of its very best men. Muthusami Iyer was one of India's brightest ornaments. It would take a very long time before the void left by his death could be filled. I console myself with the reflection that when one great man passes away, another hidden by his brilliant light may emerge from what appears to be dark and take his place. Taken all in all, Sir. Muthusami Iyer was a very great man.*

* From his speech as Chairman of the condolence meeting of the Kumbakonam public held in Porter Hall on 25th January 1895.

XIX.—SIR. ARNOLD WHITE.

The *Honorable Sir Arnold White*, the present Chief Justice of the Madras High Court :—

" I never had the privilege of knowing the learned Judge personally, but, I have always had the greatest respect and admiration for his character as a man and his work as a Judge."—*In his letter to the author.*

XX.—HON. K. KALYANASUNDARAMIER.

"The death of the Hon'ble Sir. T. Muthusawmi Aiyer, has rightly evoked a general outburst of genuine grief and sympathy and the district of Tanjore which has the honor of having given birth to him and which was the field of his early distinction would not be doing justice to itself or to the illustrious deceased, if it did not give adequate expression to the sorrow so universally felt at the sad affliction.

"One of the greatest friends of the deceased gentleman, Mr. Justice W. Holloway, whose death we all so recently mourned, used often to say that the only *genius* in which he had any faith was the *genius of labour*. If there is truth in this sentiment, we have indeed lost one of our great geniuses. For, the great success achieved by the deceased, in school, in the College and in the world was achieved by dint of honesty and manly labour.

"The private life of the deceased gentleman was pure and blameless, and his private virtues were of a very high order. As a member of society, I know his views did not satisfy the demands of the young and somewhat go-ahead reformers of the country, but his

liberal and enlightened conservatism exercised a wholesome check on their "Raw haste, half-sister of delay."

"But, gentlemen, it is as a Judge, that Sir. Justice Muthusamy Aiyer will be long remembered and honored. His vast learning was free from pedantry. His independence never bordered on rudeness. His firmness did not degenerate into obstinacy. His high character for integrity was generally known and recognised and his judgments were characterized by thorough intellectual honesty and single-minded devotion to the cause of truth.

"Gentlemen, it is true that the Honorable Justice Muthusamy Aiyer did not belong to the aristocracy of birth or wealth, but he belonged to that truer and nobler aristocracy—the aristocracy of intellectual and moral excellence—which commands the respect of Dukes and Millionaires."*

XXI.—SIR. GURUDASS BANERJEA.

Sir. Gurudass Banerjea, Ex. Judge of the High Court of Calcutta says :—

"I have not had the pleasure of knowing Sir T. Muthusamy Ayyar personally; but I have read his judgments and have heard of him from those who had the privilege of his acquaintance, and I have formed a high estimate of his deep erudition and his noble character. As a learned and conscious Judge, he always sought to do substantial justice, and as a truly good man, he was genial and kind to all. His learning,

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* Extract from his speech at the Public meeting, Tanjore.

though great, had no tinge of pedantry in it; and his manners, though dignified, had nothing of affectation in them, but were sweetened by a simplicity, the outcome of innate goodness. His memory is cherished with the same respect that was shown to him when he was living, and his name is as much an honoured and familiar one in this distant Presidency, as it is in his own."—(In his letter to the author. 3—5—1910.)

XXII.—Mr. JUSTICE SARADA CHARAN MITTER.

"I have the highest respect for the late Sir. T. Muthusami Ayyar and his judgments. They evince both learning and strong common-sense and I have generally followed them."*

XXIII.—SIR. PHEROZESHAH MEHTA.

Sir. Pherozeshah Mehta, referring to him in the course of a speech in the Viceregal Council on the question of the Age of Consent Bill said :—

"The Madras Presidency is not only unanimously in favour with the proposal, but a voice comes from it which is entitled to the greatest respect. I refer to the opinion of the Hindu Judge whose loss all India deplores in common with the Presidency to which his great services were devoted, Sir T. Muthusami Aiyar. His devout and sincere conservatism was as unquestioned as his knowledge of Hindu Law and usage was profound."

XXIV.—Mr. P. SOMASUNDRAM CHITTIAR.

"Sir. T. Muthusami Iyer was universally known to have possessed sterling qualities both in public and

* In reply to the present writer's invitation for an opinion.

private life. By his courteous and affable manners, he won the high esteem and respect of the European and Native communities, whose appreciation will be eventually evidenced by the proceedings of this evening. He evinced great simplicity, fidelity and integrity throughout his life."(1)

XXV.—Mr. T. RAMASWAMI IYENGAR.

"There is no countryman of ours whose death is so widely deplored and so universally lamented. In him the Government lost a very reliable Public Officer, the High Court a Judge of extradinary abilities, thorough integrity, and indefatigable industry and the Native community an invaluable ornament. No Native Judge graced the Bench nearly for two decades so eminently, so conspicuously and so successfully as the late distinguished Judge in the annals of India and his brilliant career was all unique and beyond praise." ....

"Politically, socially, and morally, he was equally eminent. Some might say that he was a pure conservative and did not take any part in public movements. But it is a fact that Mr. Justice Muthuswamy Aiyer encouraged the Congress Movement, advocated the cause of female education and held advanced opinions on all matters relating to the progress of our people."

"I can expatiate upon the various, eminent and excellent qualities possessed by that morning star, but, time would not permit me to do so and the present state of my feeling has choked me from giving expression to

(1) From his speech at the Banqueting Hall meeting.

my thoughts. Suffice to say here that the learned Judge has left behind him monuments of his learning and they are imperishable monuments which you will find in any Indian Law Reports, which are some consolation for the irrepairable loss we have sustained.

"To those who enjoyed his personal friendship, the loss is very painful and quite unbearable. I had the honour of moving with him closely and intimately ever since I entered the Government Service four-and-twenty years ago, and always enjoyed the benefit of his counsel and advice on all matters private and public."*

XXVI.—Mr. WILFRED SCAWEN BLUNT.

Here is a very interesting description of Sir. T. Muthusami Ayyar from the pen of Mr. W. S. Blunt in his recent book, "India under Lord Ripon":—

"We called on Judge Muthusamy Aiyar to whom I had letters from Mr. Ramanatha of Colombo, but both he and Ranganadam of Presidency College, made excuse. Being in the Government Service, Varada Row, the cicerone, explained, they had probably consulted the English officials about the introduction I had sent them, and were advised to be ill or not at home. The Judge after same mysterious discussion with the servants and goings to and fro, was discovered "not to be at home." (p. 40)

"At last, in the twilight like Nicodemus, came the Judge, Muthusami Aiyar, looking rather ashamed of

*Mr. T. Ramaswamy Iyengar was then the Subordinate Judge at Negapatam and his speech as chairman of the *Memorial* Meeting held there was feelingly delivered. These passages are extrated from it.

himself, and with confused explanation of why he had not seen me yesterday. He is a tall dark Tamil, almost black, a self-made man, who began life as a servant and learnt English from his master's children. This may account for his timidity, for he seems a man of worth and integrity...............

"He explained the Ilbert Bill to me with great lucidity, especially as to its effect upon the English planters in their relations with the Natives. He said that, with few exceptions, the planters were very lawless people, that hitherto they had been for all small offences practically out of reach of the law, because the distance to the High Court where alone they could be tried, was too great for Natives to resort to them............ As to the contemplated change making them amenable to the ordinary Courts, the only fear was that the Native Judges would be too lenient to them for fear of being thought partial." (p. 41.)

XXVII.—SIR. JUSTICE. S. MANI IYER.

"I see in this large and influential gathering a testimony far more eloquent than any speech can offer to the value, attachment, respect and regard entertained for the name and memory of Sir. T. Muthusami Aiyar. You have heard from Sir. Arthur Collins—who has been associated with the labours and anxieties of Sir T. Muthusami Aiyar's most useful life, and therefore fully entitled to speak on the subject—the admirable qualities of head and heart which endeared him to his colleagues on the Bench, to the members of the profession, and to the Government which Sir. T. M. Aiyar

served so faithfully. You yourselves are not strangers to the ability, zeal and unremitting devotion to public duty which has earned for him the highest mead of praise. You are likewise aware how his rectitude of character, how his amiability of disposition have earned for him the respect aud attachment of all sections of the community. I propose this occasion to say a few words as to the loss the Native community has sustained by the death of Sir. T. M. Iyer. Those who were acquaintained with him, and who knew his moderation and caution, can well imagine how, if he had only got out of his office, he would have exercised his powers in leading the intelligence of the native community aright, with reference to any large questions of public interest; and no doubt, if he had been spared for a few years more, he would have rendered conspicuous service to the Native community, as an able and highly-trusted interpreter between Government and the public. I need hardly say how much confidence he would have enjoyed at the hands of Government, how much influence he would have ably exercised over his own countrymen as their trusted leader. It has often occurred to me, that if we had more men of his stamp amongt us, how easy it would be to avoid the friction and misunderstanding which sometimes arise, which cannot but arise in a country of such diversified classes and creeds. He was by his long and varied experience eminently fitted to take the place of the leader of the Native community. His death at a time when he, I believe, contemplated retiring and devoting the rest of his very remarkable

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* His speech at the Benqueting Hall Memorial Meeting.

life to the public welfare, is a dire loss to that community. At any time, the death of a man like him would lead avoid which would be very difficult to fill up; but it is a thousand times more so at this juncture when questions of great difficulty are pressing around us en all sides for proper solution. In brief, the late Sir. T. Muthusami Iyer was a learned and able Judge, loyal citizen, and a true friend of the community.*"

XXVIII.—Mr. JUSTICE SANKARAN NAIR.

"Sir. T. Muthusami Aiyer was one of the greatest of our Indian Judges."

XXIX.—THE RT. HON. SYED AMEER ALI.

"Sir. T. Muthusami Iyer was a distinguished compatriot, Judge and Jurist."

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* In his letter to the writer.

CHAPTER XIV.

EULOGIUM BY THE PRESS.

The "Madras Law Journal"—The "Madras Mail"—The "Madras Times"—The "Madras Standard"—The "Hindu."

I.—THE "MADRAS LAW JOURNAL."

"It is with the deepest regret that we have to record the sudden death on the 25th January of Sir. T. Muthusami Aiyar, K. C. I. E., the Senior *Puisne* Judge of the High Court. He had been attending the Court till about 10 days before his death and had been engaged for some days in the hearing of a very heavy appeal involving a novel and difficult question of Hindu Law. The strain entailed by this case probably contributed to his break-down and it may be literally said of him that he died in harness. He was one of the most distinguished Judges that have adorned the High Courts in India in recent years, and of the Native community of this Presidency, he was at the time of his death certainly the most distinguished member. The loss of no other person has been so widely mourned in this Presidency as that Sir. T. M. Iyer. In many respects he was a unique figure and the void he has left in the community cannot easily be filled up. Born in a humble station in life and without any of those external advantages which are material to success in the world, he worked his way upwards by sheer force of meri and entering the public service after a most successful academical career, rose to the highest

position in the service of the State which it is competent for a Native of this country to hold."

"For 17 years he held the office of High Court Judge and once acted for the Chief Justice. His long connection of about 40 years with the public service, was unbroken by a single year's rest. His devotion to work was altogether without parellel. It has sometimes been said by unfriendly critics of the Natives of this country that they are incapable of the steadiness of effort and devotion to duty that characterise Englishmen, but the life of Sir. T. M. Iyer affords the best refutation of such criticism. Taking quality and quantity together, no other Judge of the High Court has in rulent years shown such an excellent record of work as Sir. T. M. Iyer. The heaviest and the most difficult portion of the work of the Court generally fell to his lot and he always did it to his satisfaction. Intellectually and morally he had many of the qualifications which go to make a great Judge. An intellect of a superior order was in him united to sound general culture and high legal attainments. He cultivated early the not common habit of independent thought and would never accept a position, unless he was satisfied by independent thinking that it was correct. Precedent and authority always commanded respect from him, but not a blind respect. He had an excellent mastery of legal principles and he invariably tried to rest his legal opinions upon the fundamental principles of law. He was gifted with a remarkable memory and remarkable powers of analysis and exposition and was imbued with a passionate love of method. These traits of his shone nowhere

so well, as when he had to deal with large masses of tangled facts in heavy cases occupying his attention for days together. Step by step he would arrange and marshal the facts and arguments upon the different parts of the case, until at the close of the hearing the facts and arguments appeared as a luminous and orderly whole. He would re-capitulate the arguments at different stages of the case and at the conclusion, to make sure that he had followed and fully appreciated the arguments and as if to give an opportunity to the practitioner to repair any defect that might be disclosed in the presentment of his case. Discussion before him was edifying and practitioners had the satisfaction of feeling even in the event of an adverse decision that they had been fully heard and their arguments carefully followed and weighed. Like the late Sir. George Jessel, Sir. T. M. Iyer was fond of the socratic method and busily plied the practitioner with interrogatories. This process had not always the effect of saving time, but it was always calculated to be instructive. It was said of the late Lord Justice Collen that he was anxious not merely that the practitioner should be satisfied that he had been fully heard, but that the parties also should be satisfied that their counsel had been fully heard. Of Sir. T. M. Iyer it must be said that he not merely shared the solicitude of Lord Justice Collen, but was also anxious to convince the practitioner that the decision he was going to render was just and correct. His mind was always open to conviction and he was always prepared to revise his own judgments, if they were shown to be wrong. He had an infinite capacity

for taking pains and he studied the cases that came up before him in all their minutest details. A love of minutiae is very often dissociated from a part of general principles. But while Sir. T. M. Iyer revelled in details, his love of them was dominated by a strong faculty for co-ordination and the love of general principles. His solicitude for the mastery of the details of cases was in fact nothing more than the result of his unflagging zeal to ascertain the truth and do justice.

"If there was any one characteristic which distinguished Sir. T. M. Iyer above all others, it was his spirit of conscientious thoroughness, and as he did not spare himself in attaining thoroughness, he had no toleration for a want of the same quality in the practitioners who appeared before him. He had a calm. Judicial temperament and not withstanding some fretfulness in the closing years of his life, his patience was unfailing. Master of a dignified style, he was a sound lawyer, and fit to take rank with the most distinguished Judges in the land· He has practically made the greater portion of the Madras Series of the Indian Law Reports and the many volumes of these reports bear abundant testimony to his work. The language of Sir. Arthur Collins at the Memorial meeting was not the exaggeration of a funeral panegyric when he remarked that in the death of the late Judge the High Court had lost a "Tower of strength."

"We shall only refer to his masterly work as President of the Commission appointed to devise a Marriage law for Malabar and to his arduous labours as the President of the Committee appointed to draft a Bill

for the management of the Temple Endowments. The opinions which his great abilities and his rich experience enabled him to form in all matters were treated with the highest esteem by the Government and the public. By his high character and the ability and thoroughness with which he discharged his duties, to whatever duties he was called, he succeeded in winning the confidence, respect and admiration of all classes and creeds. The combination of every class and community in the country to pay a tribute of acknowledgement to his worth is sufficient evidence of his unique popularity. The fact that he was the first Native in this Presidency to be exalted to the highest post open to Natives and that he offered a splendid proof of the fitness of Natives for high office is of itself a sufficient title to the grateful remembrance of his name by the community."

II.—THE "MADRAS MAIL."

"There is, indeed, no other Indian gentleman in this portion of the Empire whose death is calculated to be more widely deplored, more universally lamented. By his death the Government has been deprived of a most trusted and experienced servant, the High Court of a Judge of tried ability, perfect integrity and unflagging industry, and the people of this country of a friend of unsullied disinterestedness, prudent zeal and constant faithfulness."*

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* The Leading article in this Journal for January,—February 1895. Its Editors weare the leading vakils Mr. V. Krishnasamy Iyer, Mr. P. S. Sivasami Iyer, Mr. P. R. Sundram Iyer, so well competent to judge of the work of the Judge.

" His was a peculiarly guileless character. He realised all that was best, truest and highest in the English term *gentleman*, for he was by Nature one of those 'whose aims are generous, whose truth is constant, and not only constant in its kind but elevated in its degree, whose want of meanness makes them simple, who can look the world honestly in the face with an equal manly sympathy for the great and the small'. It is impossible to sum up his private virtues more justly and succinctly than in these words of Thackeray."

III.—THE "MADRAS TIMES."

"It is with extreme regret that we announce his death, which puts an end to a great career. All this month Sir. Tiruvallur's health had been failing, and owing to complications his state was critical more than once. Even intimate friends had to be shut out of the sick room for many days. But though the end was expected, though life had for some time past been a question merely of days or hours, hope still lingered, strengthened perhaps by the fear lest the city should lose so valuable a citizen, so worthy and so distinguished a man. The fiat eventually went forth; and this country has lost one of the ablest of its sons, Government one of the most hardworking, faithful and capable officers that ever adorned the Judicial service of India. The sad news of the late Judge's death will, we are sure, be received with feelings of deep sorrow all over the Presidency, throughout which his name was respected."

" For over sixteen years the late Judge was an esteemed and trusted oracle in the sight of his fellow-men ; yet vain regrets will be expressed now that he did

not retire a little earlier, thus giving himself a chance of longer life and prolonged utility to his country. He died "in harness." He died seeing many great reforms introduced and in working order, and leaving in his own career a model that should be closely studied by the rising generations of his countrymen."

"Those whom his death invites to study his career more closely will discern throughout its various stages the same strong character, the same generous sympathy and the same determination to do good and enduring work and to abstain from doing anything that would cast a reflection on Hindu character. To such a man his countrymen should do honour as one of the chief ornaments of their society. His name will long be remembered also by Englishmen in Madras, and by his numerous friends now in England, as that of a man who desired no other record than that he had done his best, with credit to his country."

IV.—"MADRAS STANDARD."

"A great Judge has been taken from us, a master-mind has passed away. The world is poorer by a good man's death and Justice mourns a faithful servant's loss."

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"This Presidency is proud of the long array of able men who from the benches of its supreme tribunal have baboured to fashion some lasting clue through "lawless science of the law." Conspicuous amoug men of such distinction stands the late Tiruvalur Muthusami Iyer whose firm grasp and lucid enunciation of

judicial principles will mark out for all time the splendour of his intellectual worth."

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"Tested by any save by the comparatively worthless test of mere physical celerity of work, Sir. T. Muthusami Iyer's reputation will equal, if not eclipse the reputation of any of the greatest of his predecessors."

* * " * * * *

"Except in the domain of Roman Law and in familiarity with the German commentators of that ancient system, the late Judge was at least the equal, if not the superior of Mr. Justice Holloway."

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"As an Equity lawyer, his reputation need fear no comparison with that of Sir. Colley Scotland."

* * * * * * *

"In love of labour, he vied with Sir. Charles Turner, in honesty of purpose with Mr. Justice Kernan while in his wonderful analytical bent, he outweighed both."

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"In Hindu Law he stood *not first* among his equals, but *alone*, and when Death came suddenly to claim him for its own, Muthusami Iyer was probably in all his accomplishments the *foremost Judge* in India."

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"For 18 years his personal charm of manner has tended to sweeten the labours of those whose lot in life was cast among daily contention and the war of words. And neither defeated suitor nor disappointed counsel but has felt that even in those rare instances wherein truth has not prevailed, the decision of the presiding

Judge has ever been the outcome of most impartial and unfailing honesty. What greater honor can a lawyer seek ?"

* * * * * * *

"No labour however great, no time however long, no advocate however wearisome, no record however uninviting, but were cheerfully devoted and courteously encountered in the discharge of the sacred duties of his office."

* * * * * * *

"At his entrance in the office men marked the constitutional timidity of his race in that he betrayed at times what passed or his an undue deference to European Colleagues, but time stiffened him into independence and removed the only blemish of his legal life."

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"Those best qualified to speak will remember and lament the education which followed unconsciously in any lengthened argument before Muthusami Iyer. New views of the case were continuously presented even to those who had most zealously studied their briefs ; while a whole panorama of law unfolded itself in the queries and suggestions which fell from the occupant of the Bench."

* * * * * * *

"No loss in life is irrepairable. It is true now as of old that great men have succeeded as they have preceded Agamemnon. But it will be many a long year before Southern India will see replaced the lost talents of this departed lawyer, or India at large have reason to rejoice in a new manifestation of the greatest of her legal sons."

"Bengal still glories in the traditions of that great Dwaraka Nath Mitter whose name is yet an accepted authority among the tenets of the Privy Council. Madras may claim that in Muthusami Iyer's death she has lost even a greater than ever lived and sat and worked amidst the best traditions of the High Court of Calcutta."—(25—1—95.)

V.—THE "MADRAS STANDARD".

"Sir. T. Muthusamy Aiyar is no more. Madras has lost another of its eminent men. It was only the other day that he took a prominent part in the meeting held in this city to perpetuate the name of the late Professor Runganatham and Sir. T. Muthusamy was at the bed-side of Raja Sir. T. Madava Row when that statesman breathed his last. Madras has lost them all, almost in quick succession; and she is poorer to-day than she ever was. For, among her sons, there have been none more distinguished, more learned and more accomplished than these three; and the pity of it is that among the newer generation, we vainly seek for fit successors, for men competent to wear their mantles. To those who have been reading the bulletins issued from day to day by us during the past few days, the news of Sir. T. Muthusamy's death cannot be surprising; nevertheless, it is painful. By dint of indu.try and perseverance and by the sheer force of his intellectual greatness, he rose to the highest position to which any Native of India can aspire, and he evoked the admiration of all who knew him by his modesty and self-control. He was universally loved,

"Hath borne his faculties so meek
Hath been so clear in his great office."

Gentle in his nature, retiring in his disposition, he lived and died a quiet man, making himself known to the world seldom in any other capacity than that of a Judge—

He was a scholar and ripe one ;
Exceeding wise, fair spoken and persuading.

"From the very beginning of his life he has been wedded to his work, and to it he bravely sacrificed his life. During the long period of his official career, he but seldom availed himself of leave; and he worked zealously almost till the last moment of his death. The last day he sat on the High Court Bench was Tuesday, the 15th instant, and the last case he heard was the Uttumalai Zemindary case, the judgment in which he is yet to write. The great mistake of his life was that he ignored that it was impossible for any human system much less his, to bear the continuous strain to which it was subjected. Of course, it is now too late to think of it and unnecessary perhaps, to write about it; but who does not wish that Sir. T. Muthusawmy Iyer had been spared for a few years more, that it were possible for him to have retired from the Bench full of years and honors and spent the last days of his life in ease and repose, giving fatherly advice to his less-gifted countrymen! The sketch of his life, which we published in May last (and which is re-produced below) we closed in the following words :—"Here may we leave the subject of our sketch, wishing him still greater success in his official career and a long period of retirement which he

may profitably utilise for propounding or elucidating some of the principles of Hindu Law." When these words were written, we scarcely thought that within eight months from that date, the subject of our sketch would cease to breathe. Yet it was so ordained. He is no more. Nevertheless, he is one of those few who, though dead, will live to the admiration of that hour when all of us are mute. For,

> "We live in deeds, not years; in thoughts not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart throbs. He most lives.
> Who thinks most, feels the noblest, acts the best."

VI.—THE "HINDU".

"Sir. T. Muthusami Iyer will best be remembered by future generations by his judgments. In clearness, in force, in closeness of thought and logical consequence, they are almost unrivalled and certainly unsurpassed. The dignity of his judicial utterances is heightened by the unique character of his style. Traverse what text-books on law we may, Muthusami Iyer's long, lucid and flexible periods never escape detection. They never tire the readers' patience. You can understand them without effort and enjoy them with ease. The even, unruffled tenor of his mind and the eminently judicial turn of his intellect never once swayed him from the straight line of his strict, judicial propriety. He had no prejudices of any kind. He applied himself to the consideration of important questions without any pre-conceived notions. He heard both sides with calmness, with patience, and with courtesy. His conclusions were generally sound; they were always well considered. With a sound mastery

of principles, with a comprehensive grasp of the facts brought to his attention, and with a thorough realisation of the defects and peculiarities of human character and sentiments, he seldom failed to evolve, out of conflicting and confusing records, an orderly array of the facts and arguments on both sides and to put them in the most lucid, able and attractive form. His mind was a large store-house of well-digested and well-regulated knowledge, gained through a long life of deep study and attention to details and vast experience of the world and he applied such knowledge without effort and with ease to the investigation of facts and the elucidation of principles. A Judge who has to sit on the Bench from 11 A.M. to 5 P.M. and sometimes even later, hearing case after case, and who has to write judgments at his residence, and yet finds himself face to face with large arrears of work, may have some excuse, if he at times does the work in a perfunctory manner, and if he who occasionally shows impatience at the waste of time caused by the irrelevant or digressive disputations of vakil or counsel. But Sir. T. Muthusami Ayyar did nothing either imperfectly or impatiently. His guiding idea was to do justice according to his best lights; and whatever he did, therefore, he did it thoroughly and and well. Indeed, clever vakils, at times either for a want of good case or through imperfect study, tried his patience by evading points unfavourable to their side or by importing matters of a wholly irrelevant character. To such people he administered severe snubs on occasions. The more forward of them, especially the young, smarting under the caustic remarks that fell from his Lordship, returned hit for hit, not

in any spirit of irreverance which would be reproachable but in that spirit of youthful, careless, straightforwardness which the learned Judge, by his large experience, knew to be natural and which he therefore treated with extreme indulgence."

"No Judge before him had been more respected by his colleagues, by the legal profession or by the general public. He had admirers everywhere and among all classes of people. But he had no favourites, no partisans; none also could any way be said to have particularly been in his confidence. To him all were alike. He was uniformly kind, courteous and sympathetic; and all he came in contact with were more deeply impressed with his simple, unassuming nature and his humility. His relations with his colleagues on the Bench could not have been more cordial; and the excellent way in which he got on with them led to an unfounded impression among ignorant or ill-infamed people that he was too yielding to his European colleagues. As a matter of fact, none asserted his individuality to a greater extent than did Sir. T. Muthusami Ayyar. He never quarrelled with his colleagues by reason of any difference of opinion; but more often than not, he brought them round to his view by reasoning and obstinate adherence to his own opinions. Any assumption of superiority was altogether abhorrent to his nature. He must have been fully conscious of his superior intellect, his highly legal acumen and his varied attainments. Never-the-less his attitude to his equals and inferiors was one of seeking information and help, and never of that domineering kind which recognises no wisdom or

merit in others, and which will not welcome difference or tolerate opposition. By maintaining such an attitude Sir. T. Muthusami Ayyar was able to considerably widen the sphere of his influence and to give to his mature opinion and judgment a predominence and power which it would not have otherwise had. His judgments will be a living monument of his great intellect and erudition. They will be quoted and re-quoted by after-generations so long as the present legal system of the country continues; and his valuable decisions on Hindu law have so far definitely settled all the intricate points bearing on the subject that he may be said to have placed it on a substantial basis, free from the many uncertainties incidental to its interpretation by men of different dispositions and sympathies, and of different degrees of learning and intellectual power. Considered as a citizen, there may perhaps be men better than Muthusami Ayyar. But as a Judge, we cannot conceive a better or a higher, or a nobler model than this distinguished Indian judge, whose familiar voice will no longer be heard from the High Court Bench, but whose living words of wisdom will afford light and guide, not only to his contemporaries who are yet living, but also to successive generations yet unborn. The Indian community is deeply indebted to him, not for having attained to a position which none of his countrymen before him had reached, but for maintaining in that position such a high character and reputation as is worthy of the race to which he belonged and was proud he belonged."

CHAPTER XV.

A MEMORIAL STATUE.

The expressions of universal regret so inadequately portrayed in the two previous Chapters for the loss of this great man soon led his admirers to consider the most suitable form in which his name can be perpetuated in this Presidency. A movement was forthwith started in right earnest by the Judge's colleagues and little wonder, the general public readily responded to the call. A public meeting was convened by the Sherifl and held in the Banqueting Hall to convey to the deceased's family the sorow of the public and to decide how best to honor him. The Indian and the Anglo-Indian press bristled with suggestions and schemes which in time became a controversial public question. The movement to honor the memory of the late Professor Ranganadam Mudaliar and the decision arrived at was still fresh in the minds of the Madras citizens and very naturally one section of them proposed the establishment of Scholarships in his name, while another equally influential party suggested that to such an exceptionally distinguished Indian no memorial short of a statue could be permanent or adequate. These two among the numerous proposals provoked a keen and, in certain quarters, an interested discussion, special pleadings on both sides contributing to the liveliness of the controversy. The two leading Native organs of the "*Hindu*" and the "*Madras Standard*" took up the cause, the former opposing any waste of money on marble and advocating

substantial and perhaps productive ways of utilising the subscriptions to be raised and the latter with its wonted vehemence of those days insisting upon the public voting for a statue and a statue only. The reading public in fact got rather excited over the subject and watched the proceedings of the Banqueting Hall meeting with more than common interest. Those who attended the sitting on the 9th May 1895 could not fail even at this distant date to recollect the enthusiasm evinced by the speakers and particularly of the gentlemen assembled in the Hall. Meanwhile the whole Presidency declared itself almost unanimously upon the desirability of erecting a statue for the late Judge. But a handful of men apparently belonging to the new reform school argued that any money invested on statues in memory of great men was not productive of good to the community at large and that it was only a waste and therefore, urged that it would suffice if a few Scholarships were with advantage instituted in his name. The promoters of the statue-scheme replied that it was very unfortunate that in India alone such forms of memorial were questioned, forsooth on economic considerations while in other civilised lands better known for their economists, statues were still regarded as not unworthy of their investments. It was seriously contended that in ancient Rome and Athens, as in modern London and New York, the most common form of honoring their great men of valour and heroism was the erection of statues and that but for them, the admirable art of sculpture would have decayed centuries ago. Why then in this country alone, they asked, should this art fail to find votaries and why should our educated men

hesitate to encourage it? Are we to lament at this lack of taste for fine arts? Or are we to wonder at this new-fangled band of economists who regarded such memorial—expenditures to departed Indian worth as mere waste of money? The life of Sir. Justice Muthusami Iyer was heroic in itself and will prove for ever an object lesson to all Indians now and to posterity. What else but a statue, as one party rightly agitated, can fittingly hand down his fame to after-generations and inspire the youths with feelings of self-reliance and modesty, and devotion to duty? As to Scholarships and medals, there have been enough already in connection with the University. Sir. Muthusami Ayyar himself had instituted one in the name of Mr. Carmichael for the first successful condidate in the B. L. Examiation. Some memorial other than the common run of it must be pitched upon as a special distinction and the public made up their mind to see that the first Native Judge of the High Court of Madras was also honored with the first statue for any Native in South India.

This verdict was certainly the outcome of a disinterested admiration for the late Judge, and it is interesting to see how it found its way into the Banqueting Hall meeting convened by the *elite* aud parctically managed by the high officials of the State who at first hetitated to determine the form of the memorial. On the platform were seated the leaders of the movement to whom was entrusted the task of moving the resolutions. His Excellency Lord Wenlock was in the chair. The idea of the conveners of the meeting was to adopt a Resolution vaguely voting for a memorial, and

to leave the definte form to the decision of the Committee. This probably was due to some difference of opinion among the leading men seated on the *dais* as to whether it should be a statue or not. At last, the Hon'ble Mr. Bliss, the Senior Member of the Governor's Council, moved this particular resolution which ran thus—

"That in the opinion of this meeting, it is desirable to perpetuate, *in a suitable manner*, the memory of the late Sir. T. Muthusami Iyer, &c., &c., &c.,"

The speaker in justifying this vague wording of the resolution observed that the form could not be settled until the meeting knew the amount of funds available for it, that they had also to consult the opinions of the subscribers and the family of the deceased and that, therefore, it would be convenient to leave it to the Committee, only placing on record that the memorial should be a *suitable one*. But this orthodox reasoning of the unascertainability of the funds available for the memorial which on all such occasions is urged as the principal reason for vesting a Committee with full discretion to determine the form the memorial should take, forgetful of the fact that it is the actual form of the memorial once for all determined upon that always influences the public to liberally contribute to the fund, did not however, commend itsilf to many present at the meeting who probably feared also lest the Committee should, if left to itself, shelve the proposal of a statue and prefer some other form. Probably impelled by such considerations, Mr. Powell, the then Government Pleader,

Barrister-at-law and the worthy son of the worthy father Mr. Powell, the premier educationist, and the noble tutor of Mr. T. Muthusami Ayyar himself, boldly expressed himself on the subject and in all earnestness put it to the meeting that it was the general opinion of the whole Presidency that the memorial should take some concrete form that would remind them and the later generations what a great man the departed Judge was. He said :—

"Speaking on my own behalf and in behalf of others, it seems to me that some *enduring memorial in imperishable stone* should be erected, (loud and continuous cheering from the body of the Hall,) something that would stand for all time to come to remind not only those who are acquainted with the late judge but to recall to the succeeding ages the virtues of the great man so that it may be an example and incentive to imitate, if not to emulate, his great career."

This speech gave an entirely new turn to the whole debate and Mr. G. Parameswaram Pillai, the talented Editor of the *Madràs Standard* who powerfully advocated the statue movement in its columns, stepped on the *dais* and spoke to the amendment determining upon a statue, and explained away the arguments for delay and eloquently exhorted the meeting to support his views. A roar of applause greeted these two speakers from the body of the hall, which resulted in the approval of the statue by a large majority. So for the first time in the history of Madras, a statue—no matter in marble or bronze—was triumphantly decided to be raised to perpetuate the memory of a great son of India, in spite, no

doubt, of a thinly—veiled jealousy or timid opposition in cestain quarters which shall be nameless. As Mr. Parameswaram Pillai rightly argued, "surely there was not an excess of statues in Madras," and be it further more said to their credit, that all the Judges of the High Court and most of the European members of the Bar and other professions in Madras voted in favour of the statue.

The following Committee was nominated at the meeting to give effect to the resolution and the gentlemen composing it were so representative of all ranks and classes of the population that it should indubitably justify the decision as to the form of the memorial:—

Members of the Muthusami Memorial Committee.

England.

Sir Charles Turner,
,, Henry Stokes.
,, Philip Hutchins.
,, Charles Lawson.
F. Brandt, Esq.,

Madras.

The Hon'ble the Chief Justice.
,, Mr. Justice Parker.
,, ,, ,, Best.
,, ,, ,, Shephard.
,, the Advocate-General.
Messrs. N. Subramanyam.
E. B. Powell.
R. B. Michell.
H. G. Wedderburn.
R. F. Grant.
Ernest Barclay.
James Short.
D. W. Cowie.
Col. G. M. J. Moore.
Messrs. R. G. Orr.
J. P. Nicholas.
H. K. Beauchamp.
H. Ormerod.
John Adam.
The Hon'ble C. Sankaran Nayar.

***Madras**—cont.*

Rajah T. Rama Row.
Messrs. R. Balaji Row.
C. Ramachandra Row Saheb.
P. V. Krishnasami Chettiar.
C. R. Pattabirama Iyer.
M. O. Parthasarathy Aiyangar.
K. P. Sankara Menon.
M. R. Ramakrishna Aiyar.
S. Kasturi Ranga Aiyangar.
T. V. Seshagiri Aiyar.
P. S. Sivaswami Aiyar.
S. Biligiri Aiyangar.
M. Venkatramiah Chetty.
P. M. Sivagnana Mudaliar.
K. Narayana Row.
V. Ryru Nambiar.
V. Ranga Chariar.
V. Krishnaswami Aiyar.
S. Subbiah Chetty.
M. E. Sriranga Chariar.
V. C. Desika Chariar.
R. Ranga Rao.
T. Ranga Chariar.
C. R. Tiruvenkata Chariar.
P. R. Sundra Aiyar.
M. A. Parthasarathy Aiyangar.

***Madras**—cont.*

S. Gurusami Chettiar.
Mr. S. Gopalaswami Aiyangar.
H. H. the Maharajah of Vizianagaram.
Mr. B. Baliah Naidu.
Rajah Sir Ramasamy Mudaliar.
The Hon. Mr. S. Srinivasa Ragava Aiyangar.
" " Mr. P. Rangiah Naidu.
Mr. P. Rajaratna Mudaliar.
Mr. P. Somasundram Chettiar.
Rai Bahadur R. V. Srinivasa Aiyar.
Mr. P. Vijiaranga Mudaliar.
Mr. P. Thiagaraya Chettiar.
Rai Bahadur V. Krishnama Chariar.
Mr. L. Krishna Doss Balamukum Doss.
Mr. T. Venkasami Rao.
Mr. M. Abboyyee Naidu.
Rai Bahadur C. V. Cunniah Chetty.
Messrs. Agurchund Manmull.
T. Namberumal Chettiar.
C. Yethirajulu Naidu.
V. Rajaratna Chettiar.
C. Ethirajulu Chetty.
M. A. Singara Chariar.
Syed Mahomed Saheb Ba'dur.
Haji M. A. Hadi Badsha Saib.
M. Viraragava Chariar..
G. Subramania Aiyar.
G. Parameswaran Pillai.
S. Sathianadhan.
P. Venugopal Pillai.

***Tinnevelly**.*

Messrs. S. Gopalachariar.
R. Thompson.
V. Ranga Chariar.

***Salem**.*

Messrs. G. Stokes.
J. Tate.
D. Veerasami Aiyar.
C. Vijiaravachariar.
P. S. Ganapatthi Aiyar.
Azizudin Saheb.

***Salem**—cont.*

V. Malhari Rao.
T. Subramania Aiyar.
S. Krishnasami Mudaliar.
T. Audinarayana Chettiar.
T. Narasinga Rao.
N. Venkata Rao.
The Rev. Mr. Foulkes.
Mr. Mohomed Saheb.

***Coimbatore**.*

Thomas Weir, Esq.,
Messrs. T. S. Balakrishna Aiyar.
K. Narayana Sastriar.
W. Barton.
N. Annasami Rao.
Venkatachella Mudaliar.

***Tanjore**.*

Mr. T. M. Horsfall.
Messrs. V. Srinivasacharlu.
C. Vencobachariar.
The Hon'ble K. Kalyanasundram Aiyar.
Mr. S. A. Swaminatha Aiyar.
Rai Bahadur S. Seshayya.
Appu Sastriar.
Messrs. T. Ratnasami Nadar.
T. Appasami Vandiar.
N. Vythinada Aiyar.
Messrs. P. Ratnasabapathy Pillai.
R. Srinivasa Aiyangar.
S. Kuppusami Aiyar.
C. R. Kunjithapadam Aiyar.

***Calicut**.*

J. A. Davies, Esq.,
The Zamorin of Calicut.
Messrs. A. Venkatramana Pai.
U. Achyuta Nair.
P. A. Krishna Menon.
K. P. Ramanna Menon.
Ramakrishna Aiyar.
Ramasami Aiyar,
C. Narayana Kurup.

***Tellicherry**.*

Messrs. S. Subbier.
J. L. Rozario.
P. Kelappa Kurup.
K. Krishna Kurup.

Palghat.

Messrs. E. K. Krishnan.
K. P. Achyuta Menon.
S. Seshayya.

Trichinopoly.

The Rev. Dodson.
Messrs. L. S. Ramachandrier.
K. Vasudeva Aiyangar.
K. S. Ganapati Aiyar.
T. V. Sanjiva Rao.
S. T. Rengasami Aiyar.
S. Kuppusami Sarma.

Mangalore.

Mr O. Chandu Menon.
Rai Bahadur N Shiva Rao.
Messrs. A. Subba Rao.
S. F. Brito.

Nellore.

Messrs. F. T. Ward.
T. V. Venkatarama Aiyar.
A. R. Arunachella Aiyar.

Venkatagiri.

Rajah of Venkatagiri, K.C,I.E.
Mr. S. Narayanasami Chetty.

Nilgiris.

J. D. Rees, Esq., C.I.E.
Mr. W. E. Clarke.

Cuddalore.

Messrs. Daivanayaga Mudaliar.
A. Subrayolu Reddiar.
S. C. Srinivasa Rau.
Kumarasami Pillay.

N. Arcot.

Messrs. T. S. Narasinga Rau
C. V. Srinivasacharlu.

Cuddappah.

Messrs. C. Jambulinga Mudaliar.
C. Ramachandra Rau.
C. Chellaya Pillai.

Godavery and Krishna.

The Hon'ble Mr. Subba Rao.
Messrs. G. Venkataratnam.
C. Nagoji Rao.
Rai Bahadur P. Ethiraja Pillai.
K. Pera Razu.

Vizagapatam.

The Raja of Bobbili, K.C.I.E.
" Raja C. N. Gajapathi Rao, C.I.E.
Messrs. P. Seshagiri Rau.
F. E. Sice.
V. Ramamurti Pantulu,
V. Sooryanarayana Sastry.

Bellary.

The Hon'ble Mr. Sabapathy Mudaliar.
Messrs. P. Ananda Charlu.
C. S. Subramania Aiyar.
K. Venkata Rao.
K. Srinivasa Rao.

Kurnool.

Messrs. A. Venkoba Rao.
T. Chidambara Rao-

Berhampore.

Messrs. T. Kothandaramaiyar.
M. V. Chellapathi Rao.
D. V. Ramayya.

Madura.

The Rajah of Ramnad.
" Hon'ble Mr. R. Rama Subba Aiyar.
Messrs. V. Bashya Chariar.
G. Srinivasa Rao.
R. Fischer.
Rai Bahadur C. Gopalan Nair.
Mr. A. L. A. R. Ramasami Chettiar.

Chingleput.

Messrs. C. Muthukumarasami Mudaliar.
M. Ramanuja Chariar.
C. Rajagopalachariar.
T. N. Krishnamachariar.

Mysore.

Sir K. Seshadri Aiyar.
Messrs. A. Ramachandra Aiyar.
T. R. A. Thambu Chettiar.
C. Meenakshi Ayya.
H. Nanjundayya.

Travancore.

Messrs. A. Sankerasubbier.
Kerala Varma.
R. Ragunatha Rao.
K. Kristnasami Rao.
Nagam Aiyar.
Govinda Pillai.

Cochin.

Messrs. T. Subramania Pillai.
T. R. Ramachandra Aiyar.

Puducottah.

Mr. R. Vedanta Chariar,
Dewan.

Mr. Henry K. Beauchamp, Editor of the *Madras Mail*, and Mr. V. Rangachariar were nominated as Joint Secretaries to the Committee and great credit is due to them for successfully working through the various stages before getting the statue ready for the unveiling of it. In response to their appeal for subscriptions, the leading Princes, Noblemen and gentlemen in South India manifested their appreciation of the Judge's worth and work by liberally contributing their quota to the statue Fund. Equal praise must also be accorded to the several Anglo-Indian retired friends of the late Sir. T.Muthusami Ayyar who evinced no small interest in getting the statue ready under their supervision. To cut short the long story, the same Chief Justice Sir. Arthur Collins unveiled the statue soon erected in a prominent position within the High Court of Madras.

MEMORIES OF

Sir. T. Muthusami Ayyar.

PART II.

CHAPTER XVI.

HIS FRIENDS AND ACQUAINTANCES.

"A GENEROUS FRIENDSHIP NO COLD MEDIUM KNOWS
BURNS WITH ONE LOVE, WITH ONE RESENTMENT GLOWS;
ONE SHOULD OUR INTERESTS AND OUR PASSIONS BE"—*Pope.*

Mr. D. F. Carmichael—Mr. Justice Kernan—Professor P. Ranganadam—Mr. T. Gopala Row—Mr. Thompson—Mr. George Norton—Diwan Ranga Charlu—Sir. A. Seshiah Sastri—Mr. William Holloway &c.,

In this Chapter we purpose to refer to some of Sir. Justice Muthusami Ayyar's good friends and acquaintances. From his early school-boy days he was prone to be a recluse and even delighted in seclusion which in course of time grew into a strong habit and liking. No wonder, then, that when in later life his office work absorbed his whole time and energies, he was actually unable to acquire and cultivate new friendships beyond his limited circle of benefactors and acquaintances such as his kind-hearted patron Sir. Henry Montgomery, his life-long admirer Mr. E. B. Powell, and his constant guide and patron Mr. William Holloway. Frequent company and intercourse with such noble-minded Europeans doubtless tended to refine his manners and cultivate his tastes, besides engendering in him a spontaneous veneration for superior intellect and an intrinsic love for high society, which, fortunately for him, his exalted position in after-life afforded him ample opportunities to enjoy. We have heard him tell us how he

used to be invited by his European friends on all occasions of domestic festivities, garden parties, and theatrical entertainments and how he utilised such presence to observe and study, to compare and contrast European manners and customs with those of his own community and how, too, he was thereby able to move with them in close and familiar terms and to win their mutual confidence and respect, ever disposed to watch and learn lessons from their proceedings without any offensive meddlesomeness or bashful timidity. Nor had he ever betrayed his national weaknesses or traditionary evils afflicting their social customs, even when there were occasions to please his European patrons with a convenient surrender to captious criticism on Indian households. We have heard also how among the innumerable friends he had had the fortune and the pride to move with during his long career of usefulness at the metropolis, he was particularly attached to the Hon. Mr. D. F. Carmichael, member of the Executive Council and Sir. H. Cunningham, Advocate-General.

Sir. T. Muthusami Ayyar personally evinced a special admiration for Mr. Carmichael's services to this Presidency. We all know it so well that he seldom identified himself with any movement of a personal character, but with regard to Mr. Carmichael in particular, he changed his policy and openly declared his active co-operation with the movement initiated by the aristocratic section of the Madras public to honor him on the eve of his retirement. Mr. Ayyar's plea in behalf of Mr. Carmichael's memorial deserves reading in full After a few introductory words in which he referred to

Mr. Holloway's regarding Mr. Carmichael "as one who took a warm interest in India and its people" Mr. Justice Ayyar spoke thus in the Town Hall Meeting :—

"Towards the end of 1851, he was posted to North Arcot, and shortly afterwards was placed in charge of a special enquiry into the Inam tenures ot Kangundi Zemindary, which is situated in a wild out-of-the-way tract in North Arcot. This occupied him upwards of a year, and living as he did entirely alone amidst the people and taking a pride, as he did, in communicating with the people in their own vernacular to ascertain and redress their grievances, he had rare opportunities of acquiring an intimate knowledge of native customs and manners which has afterwards proved highly useful to him and to the people. There is a pettah in *Tripati* in North Arcot which goes by his name, and his early career in that district was feelingly referred to the other day when he had the pleasure of opening a Sanskrit College in his first district. It is not often that a Junior civilian makes such an abiding impression or that people seek to institute some memorial of his connection with them. In 1854 he was selected to be Head Asst. Registrar in the old Sudder Court, and in 1856 became Secretary (as the office of Under-Secretary was then called) to the Chief Secretary and Secretary to the Board of Examiners. Mr. Pycroft, the Chief Secretary, it was generally known, had the highest esteem for him. As Secretary to the Board of Examiners, it fell to his lot to initiate the Examinations for admission into the Uncovenanted Service, which gave such an impulse to Education and has since assumed such enormous dimensions. Early in 1859, Sir. Charles Trevelyan was appointed to succeed Lord Harris as Governor of Madras. It may still be in the recollection of all elderly representative men that this appointment excited the greatest interest and expectations throughout the Presidency. Sir Charles Trevelyan was one of the most distinguished students ever sent out from the East Indian College, Haileybury, to the Civil Service of India. In the twelve years during which he served in the North Western Provinces, and at Calcutta, he fully maintained that character. But, above all, he had an intense burning love for India

the regeneration of this country had been the dream of his youth, and that the subject still possèssed his soul was manifested in the earnest and eloquent letters which he published under the signature of "Indo-philus" in the London *Times* at the close of the great Sepoy mutiny. One of his leading principles was to purify patronage in the matter of public appointments. Many distinguished young men in England were ready to come out and serve as Private Secretary to so distinguished a man; but he felt that the man most useful to him would be a young civilian of the Presidency which he was going to govern. He asked, accordingly, three eminent retired Madras Civilians in England to set down, in order of merit, the names of the young civilians whom they considered eligible. This wan done, and in each case, the name of Mr. Carmichael stood at the top of the list. Sir Charles at once selected him, and half an hour after he landed at Madras he sent the Chief Secretary to Mr. Carmichael's quarters to invite him to accept the honourable post. The thoroughness and vigour with which Sir Charles Trevelyan ruled this Presidency during the fifteen months of his reign are known to all. It was well known to those who were at Madras at that time, and who were in a position to know the secret history of the *regime*, that no inconsiderable assistance was afforded to the Governor by the knowledge, the earnestness, and the liberal sympathy of his Private Secretary. That this was so, was handsomely acknowledged by Sir Charles Trevelyan himself. I havd seen in Mr. Carmichael's library a valuable set of books presented to him by Sir Charles on the eve of his retirement. In the first volume were written these words: "A very inadequate acknowledgement of more than fourteen months' invaluable help in the performance of the most important of all duties." (*Applause.*) My lamented friends, the late Hon'ble Ranganadha Sastriar and the Hon'ble V. Sadagopa Chariar, who were the leading native gentlemen at Madras at that time, retained throughout their lives a lively recollection of what had occurred at the time, and often used to say that in Mr. Carmichael this country and the cause of education and progress had a genuine friend and a sincere well-wisher. In 1861, the year after Sir Charles Trevelyan returned to England, Mr. Carmichael proceeded to the Northern Circars to fill a judicial appointment, but early in 1862 he was

appointed Agent to the Governor in Vizagapatam. There he remained without a single day's absence or leave for five long years, proceeding for two years after that on promotion by Lord Napier as Agent to the Governor in Ganjam. On his appointment to Vizagapatam, the Meriah agency was abolished and the whole of the hill tracts of the Circars was placed under the direct supervision of the District officer. The Hon. Mr. Carmichael's friends may justly point with pride and admiration to the earnestness, devotion and ability which he brought to bear on this interesting and important duty, a duty the neglect of which in one quarter a few years ago landed us in the Rumpa rebellion, at the close of which the Hon. Mr. Carmichael was deputed by Mr. Adam to proceed as Special Commissioner to the hills with full power to adjust the administration to the requirements of the case—a task in which he spared no pains and which has been successfully accomplished. How his general administration in Vizagapatam and Ganjam is regarded; in what flattering terms his name is mentioned in those districts, the present journey undertaken by H. H. the Maharajah of Vizianagaram, the first nobleman in Southern India and the representative of an illustrious family which is remembered in this Presidency as elsewhere for its benevolence and public spirit, his presence in the chair amidst you to do honour to Mr. Carmichael will tell far more impressively than any words of mine can. His name, Sir, is never mentioned there either by the ryot or by the nobleman but in terms of affection and respect, and whilst he was there, both alike looked up to him with confidence, not only when they had grievances to be redressed, but also when they needed advice in times of difficulty. He was throughout his career a warm friend of education, and took a very active interest in its diffusion in the Northern Circars. As to female education, he may be said to have developed it by constantly urging such wealthy proprietors and Rajahs as the late Mr. Goday Suriya Rao and the late Maharajah of Vizianagram to come forward and establish schools under the teaching of the Catholic nuns at Vizagapatam. On leaving Ganjam in 1869, Mr. Carmichael officiated for three months as a Judge of the High Court. He then proceeded home, and returning in 1871 has since been employed uninterruptedly at the Presidency, in the Board of Revenue, as Secretary to

Government in the Revenue Department, as Chief Secretary and for the last five years as Member of the Executive Council. Since 1874, he has held a seat in the Legislative Council. His friends know him as a plain and an unostentatious statesman. Some men get a reputation by passing a few shewy measures, neglecting all that savours of drudgery and labour. Mr. Carmichael's motto seems to have been "Whatever thy hand hath found to do, do it with thy might." His official life has been one of constant daily toil, and that daily toil has brought its own reward. The work of the day has been turned out well. There is no class of the community, official or non-official, which is not conscious that when he leaves our shores, we lose a wise, strong, experienced master-builder whom it will be difficult to replace. Like Sir Charles Trevelyan, he intensely loved India and took a lively interest in its advancement throughout his service. The late Mr. Ranganadha Sastriar often remarked that the Hon'ble Mr. Carmichael warmly advocated the policy of having the Native community represented on the Bench of the Small Cause Court. You may all be aware that Mr. John Bruce Norton advocated the policy of having a representative of the Native community on the High Court Bench. Long before Mr. Carmichael became a member of the Executive Council, he also advocated that policy and continued to do it until it was carried out. My highest and strongest claim to the position which I have the good fortune to hold, and what carried the greatest weight with the Government of which Mr. Carmichael is a member was that I am one of the Natives of the country. (*Applause*). The Hon. Mr. Carmichael has actively aided the Government in developing and maturing to its present condition the policy initiated by Sir Charles Trevelyan, and at present you are aware that out of four Presidency Magistrates, one is an Eurasian, one a Hindu and one a Mahomedan. He has also materially helped in raising the grades and improving the status and position of Deputy Collectors. Further, before he leaves Madras we shall hear of similar advantages effected in favour of Subordinate Judges and District Munsiffs. He has often stood by the native and supported him when justice demanded it, even at the risk of estranging some of his countrymen from him. (*Hear, hear.*) Throughout his service he has been the people's friend. Hundreds of small

officials have been rescued by him from dismissal. Whenever he felt that men offended not deliberately but accidentally, he mitigated the severe punishment inflicted upon them by unsympathetic administrators. His accessibility, his urbanity and his earnest desire to help the helpless, have often been admired. Sir Charles Trevelyan was the first who invited natives to garden parties in order to bring Europeans and Natives together and to promote the develop ment of a cordial feeling between them. The Hon. Mr. Carmichael encouraged such social gatherings to a considerable extent, and when we look to the advance hitherto made in this direction, we feel that we owe much to him. He has upheld the prestige of the Native aristocracy as far as the claims of justice permitted it, and done his best to raise and improve them so as to make them useful to the people and a source of strength to the State. When Sir Alexander Arbuthnot retired, it was universally felt that native interests were safe in Mr. Carmichael's hands. He has been for 32 years amidst us and has ever loved our country. He has been conspicuous in that class of liberal-minded administrators who took an active part in helping our countrymen forward in their onward career. He has cared neither for the smile of interested adulation nor for the frown of interested opposition, but has steadily and unflinchingly done his duty with devotion first to his sovereign and next to this country. I honour and love him as the friend of the people, as the well-wisher of our aristocracy, as the friend of Native officials and of education and progress. I do not say that he has not had errors of judgment, but I do say and repeat that, take him all in all, you will not readily find another like him. Let us honour the veteran friend and administrator who loved India when he entered it, continued to love it during his stay amidst us, loves it when he leaves us, and will continue to love it during the rest of his life"-(cheers.)

This sort of praising Mr Carmichael to the skies was, however, held by another equally powerful but comparatively less distinguished section of the Madras public to be *one-sided* and certainly undeserved. The movement inaugurated by such leading and eminent natives as the late Maharajah of Vizianagaram, the late

Raja Sir. T. Madava Row, the late Humayan Jah Bahadur, and others, met with a strenuous opposition which resulted in the originally-contemplated *Public Demonstration* in the name of the *Native Public* being ultimately reduced to a Private Entertainment by some 'friends and admirers'. The Native Press of the day loudly protested against such wholesale singing of praise by our learned judge and even questioned the representative character which the prime movers thereof pretended to import into their enthusiastic personal worship of their hero. Mr. Muthusami Ayyar was made a Judge in Mr. Carmichael's time and his son was also appointed an Assistant Collector, in the P. C S. for which like a true, grateful Hindu he had sufficient reasons to thank him, to love him and to honor him. It may be conceded, on the other hand, that in his eloquent appreciation and exhaustive retrospect of Mr. Carmichael's long career in this Presidency, the learned Judge had rather over-stated his claims for a Public Memorial and had in characterising him as "being conspicuous in the class of liberal-minded administrators" and as "a friend of India &c.," more than betrayed his purposely wanton and, therefore, unusual injudiciousness, though he took shelter under the protective alliance of his no less distinguished friends. Against those eulogistic observations, facts and arguments so ably marshalled for his case, there were emphatic and open denunciations outside the clique of admirers, the critics pointing to Mr. Carmichael as being primarily responsible for the several illiberal, high-handed political blunders which marred the Government of his

day, of course, from a native point of view. All that can be said—and perhaps need be said—at this distant date is that the Judge had only yielded to the requests of his other friends and availed himself of that opportunity to express his personal gratitude for the several helps he had received towards his success in life. Of this he made no secret, for, Mr. Ayyar has founded a Scholarship in Mr. Carmichael's name, awardable to the first in the Pass List of B.L. candidates.

We have very little materials except his occasional public utterances to help us in describing Mr. Ayyar's estimate of his friends, and in the absence of letters or papers—which he never cared to preserve at all—it is idle to conjecture. It is proper, however, to say that he moved with the chosen few he had known, in terms of familiarity, friendship and confidence, as is so well evidenced by his retired colleagues writing to him even on their domestic matters and by the affectionate tone in which such letters were couched. Among the letters that have come to the knowledge of this writer—and there were very, very few besides—the letters of Mr. Brandt, Sir Charles Turner, Mr. Parker, Mr Innes, and Mrs. Grigg, and Sir P. Hutchins bespeak considerable affection and social intimacy with Mr. Ayyar. The readiness with which some of these European friends accepted to serve on the Statue Memorial Committee "at home" is significant proof of the high esteem they one and all had entertained for the Judge.

Of Mr. Justice Kernan we have Sir. Muthusami Ayyar's speech on the occasion of opening the Kernan

Maze at Triplicane, and the excellent tribute he paid him is worth a perusal even at this distant date :—

"The esteem and regard which I entertain for Mr. Kernan, and my having been his colleague in the High Court for more than 10 years, are the principal reasons, I believe, for. Mr. Biligiri Aiyangar selecting me to unveil the portrait before you. It does much credit to our worthy host to institute this memorial in honour of one who is remembered in this city not only by the legal profession, but also by numerous friends, both European and Native, with sentiments of personal attachment. It is an ancient trait in Hindu character never to forget a benefit conferred upon the native community, and it is with very great pleasure that I recognise it in the institution of the memorial. Its value consists not so much in the artistic finish with which the portrait is executed as in the expression which it gives to sentiments of respect and attachment generally entertained for its original. Mr. Kernan has left in Madras numerous personal friends like Mr. Biligiri Aiyangar, and they all feel that Mr. Kernan was always accessible to natives, kind and cordial, and ever ready to encourage what was good in them and to assist them with his advice in moments of embarassment and difficulty. He strove during his stay in India to promote, by personal example, cordial relations between Europeans and Natives, which often resulted in enhancing mutual knowledge and good-will. But he is chiefly remembered by the Native community as the veteran Judge who, for nearly twenty years, dispensed justice in the local High Court in the spirit in which it is administered by eminent Judges in England. When he came over to India he was a Q. C., as you may remember, and had fair prospects before him in his own country and when he accepted a judgeship in India, his contemporaries of the Irish bar expressed surprise at his decision. One of them is known to have said at a social gathering at Dublin, "Kernan is gone and has buried himself in Madras. What on earth induced him to go to India, I can never understand." On his arrival in India, the legal profession regarded his advent as a gain to this Presidency. Among his predecessors and colleagues he had such eminent judges as Sir H. Scotland, Sir Adam Bittleston, Mr. Holloway, Mr. Collet and Mr. Innes, whose profound learning, high judicial attainments and

devotion to the cause of justice had already shed lustre on the High Court at Madras. Mr. Kernan had not been long on the Bench, when the general public and legal profession placed him in the category of those distinguished judges. His long career as a good Judge, his anxious desire to discover and uphold the truth in the cases which came before him, his learning and devotion to his profession the sympathetic spirit in which he asserted and maintained the Empire of Law, the earnestness with which he zealously maintained the independence of his high office and his high sense of what is due from that office to the bar and the people, his indomitable energy and patience, and his courtesy and cordiality to the practitioners before him, endeared him not only to the legal profession, but also to friends in general of truth and justice outside that profession. There were occasions in his career when what Mr. Justice Kernan said had brought vividly to my recollection what was said by one of the great Judges in England: "Yes. I too seek popularity. But the popularity I seek is not that of the hour. I neither feel elated by the insidious smile of a successful suitor nor depressed by the angry frown of a disappointed litigant. The popularity I seek and desire to carry with me to the grave is that silent, enduring, heartfelt, general esteem which, in the long run, follows, as surely as the day follows the night, good work, honestly done in the conscientious discharge of the duty which I owe to my sovereign and my country." It does honour to our worthy host that he institutes this memorial to perpetuate the memory of such a Judge. The building in which we have met this evening already bears with Mr. Kernan's permission the name of "Kernan's Castle." In the compound attached to it I see a network of wire called Kernan's maze, and it puts me every time I see it in mind of that historic Viyukam of the Mahabharat which few ancient warriors knew how to enter and get to its centre. This maze is, I believe, designed to represent the meshes of law through which Mr. Justice Kernan so successfully found his way to uphold the cause of truth and justice. I am also glad to find that there is an Arbitration Court above us in this building, and that the portrait will be associated with an institution designed to advance the interest of justice, which it was ever Mr. Justice Kernan's desire to promote." (Cheers.)

PROFESSOR P. RANGANADA MUDALIAR.

Mr. Muthusami Ayyar's esteem for this distinguished educationist and scholar has been expressed in the speeches the Judge delivered in the *Cosmopolitan Club*, in the *Presidency College* and in the *Town Hall Meetings*, soon after the Professor's death. The following are select sentences from them :—

"About 20 years ago I first formed his acquaintance shortly after he had taken his degree.

* * * * * * *

"I sought it from what I had heard of his reputation as a scholar and as a distinguished graduate, and from what my revered master Mr. Powell had spoken of him. I considered it an honour to make his acquaintance, and in that spirit I sought it."

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"The first occasion wh.n I met him was at Perambore, in a marriage pandal, and from the conversation I there had with him for an hour that evening, I received an impression which every day of acquaintance has only tended to improve. This very first conversation we had inspired me with a feeling of high esteem and regard for him—an esteem and regard which subsequently ripened into a strong feeling of personal attachment."

* * * * " * *

"Close acquintance and friendship soon convinced me that as a public man his merits were pre-eminent. His devotion to public duty, his services as a teacher and a Professer, as an educationist and as a friend of progress, were invaluable. His industry and perseverance were remarkable and he had a marvellous devotion first to duty and next to study." "His application to study was so close that it often reminded me of what the younger Pliny once wrote in speaking of his uncle, Pliny the elder, "It makes me," said the former, "smile when people call me a student ; compared with him, I am a mere idler."

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"I remember his rebuking me once for taking a walk, and saying that I might have managed not to lose those hours."

"As a distinguished Professor of the Presidency College, as a member of the Senate, as Vice President of the Graduates' Association, as Secretary of the Cosmopolitan Club, as a Trustee of Pacheappa's Charities, as a friend of liberal education and national progress, he was respected and esteemed by every section of enlightened natives "and by friends of liberal culture and progress, and by his colleagues and official superiors."

* * * * * * *

"He was regarded by all of us as a brilliant mathematician, and we thought at one time that mathematics was his *forte;* but as our acquaintance with him improved, we found out that he was excellent in almost every subject taught in the college.

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"To me the loss of Mr. Ranganadam is the loss of a dear, old personal friend.

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"As to graduates, they have lost their chief and the leader. I fully agree with the *Hindu*, when it sometime ago called him 'the Prince of graduates." During the whole of my long life I have known among the educationists two only of such princes in this Presidency. The one was Mr. P. Ranganadam and the other Mr. T. Gopal Row. "So far as the native community are concerned they have lost in his death their sincere friend and well-wisher, and one who was always ready to come to the front when their welfare and interest demanded it. They have not only lost in him a respected and highly-valued representative, but have also lost the brightest jewel and ornament they had amongst them. "Nature had endowed him with a very capacious and vigorous mind, and the mental faculty has been chastened, elevated and invigorated by rare culture." "The universal feeling is that death rudely and abruptly terminated a valuable life—a life which if God had been pleased to prolong—would have been a continuation of a career of eminent public usefulness.

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"The occasion is one which vexes me much and I cannot longer trust to my self-control to expatiate on his qualities which are numerous and indescriable.*

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* Those who witnessed his delivery of this off-hand speech would remember how he sobbed and shed tears when he spoke those words which compelled his finishing it abruptly.

RAI BAHADUR T. GOPAL ROW,.

In the remarks which he has made of Mr. Ranganadam, Mr. Muthusami Ayyar had styled Mr. Rowji as a Prince of graduates. He has often told us that their acquaintane began in reading together passages from Shakespeare almost regularly for some time in his later days, and that the Judge was very much struck with the quick understanding and the strikingly original interpretations which Mr. Gopal Row would impart to him. Of course, Mr. Ayyar would insist on his meanings, but only to yield at last to the superior force of intellect and the convincing reason with which Mr. Rowji used to prevail upon his docile pupil. He had been heard to say that Mr. Gopal Row's company was inspirating and his conversation ever impressive and instructive. These two bright personages had had very few opportunities of developing their friendship, but doubtless it tended to enhance their mutual respect and esteem. On Mr. Gopal Row's death in 1886, at Madras, Mr. Justice Ayyar referred to him in these words:—

"I feel that in his premature death, the people of Tanjore have lost one of their bright ornaments, the educated classes a rare model of high culture and worth in private and public life, and his pupils, an educationist who often reminded one of Messrs. Powell and Porter."

On another occasion he has said of him:—

"He was the only person whom I have throughout my life admired."

GEORGE NORTON Esq.

"I may also say the the step which has been taken by the Trustees is one which was predicted by the first

Patron, whose labours on behalf of these Charities, especially in the direction which was given through his munificence, justify me in calling him the *second* founder of Pacheappa's Charities. I need hardly say, that I refer to Mr. George Norton, whose memory must call forth in this country feelings of gratitude from the heart of every educated native."(1)

H. H. THE MAHARAJAH OF VIZIANAGARAM.

"He was one of those few noblemen in Southern India who has realised the responsibilities of wealth in an enlightened spirit far in advance of his age, which must ever render his memory deserving of our affectinate esteem and respect. To his munificence we owe several important Girls schools in Madras."

SIR. A. SESHIAH SASTRI.

"My eldest and very much esteemed friend. You will miss his eloquent speech and his racy and witty utterances."(2)

Mr. THOMPSON, of the Presidency College.

"At the meeting held on the 1st Sept. 1884 to perpetuate his memory, Mr. Ayyar presided and referred to him thus :—

"He was an industrious educationist to whom the country was indebted for its progress and whom posterity would always remember with reverence. He was one of the pioneers of secular education."

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(1) A full size portrait of his graces the Pacheappa's Hall at Madras.

2) In his speech at the Pacheappa's College Day.

To this small but representative list of his select friends must be added another name whose mighty personality, strong character, and superior intellect had contributed immensely to the making of Mr. Muthusami Ayyar as a man and as a Judge. His contact with Mr. William Holloway looked quite a divine dispensation when it commenced so early as his school-boy days and it not only moulded the youth's tastes but also guided his aspirations and actually aided their realisation in later life. Mr. Holloway, as narrated in the previous Chapters, had marked him as his chosen favourite, had determined to shower his sincerest favours on the youth's onward career and almost at every forward step, proved a true benefactor and friend *in deed.* All this, no doubt, was due to the genuine goodness of the European who out of sheer desire to help the deserving young man in the battle of life spared no means to perform the sacred duties of disinterested friendship. Mr. Holloway had in his days reared a reputation which any man of his race and the best of his countrymen in the East might feel well nigh jealous. His profound learning, his vast experience and his irreproachable character as an official and, above all, his splendid virtues as a man, towered so lofty in his time that to those of us who are bereft of any personal experiences, the contemporary estimates about him doubtless inspire feelings of reverence and respect for him. It was the singular fortune of Mr. Muthusami Ayyar to have been associated with that great man and a gifted judge besides; and who knows but Mr. Ayyar how much indebted he was to Mr Holloway—alas, no words of others can tell. When Mr. Justice Holloway retired from Indian service

leading legal organ, the *Jurist* paid him the very high tribute when it wrote that "no man in his day and generation could have more profitably employed the kingly talents with which the Almighty had endowed him." (Vide page 71, Issue Feb. 1—1877.) But to feel the full force of this observation and to appreciate the great abilities which this remarkable European then displayed, we must read a fuller record of his services to this Presidency and a pretty detailed narration of his work :—

"He was one of the greatest men that ever came to this country, and worked a life-time of usefulness in it."

"He has shed the light of his profound learning and wisdom on every page of our High Court's history for the last 12 years. He is one of the worthies of that grand old race of Civilians now fast disappearing, who not only proved for a century and more the hereditary aristocracy of India, but who by their masterly government and wonderful development of this great Empire, have contributed so much to the glory and renown of England among nations. But even among that splendid service, Mr. Justice Holloway, stands well nigh alone, as a rare combination of great talent, grand disinterestedness, and an almost savage uprightness of character."

"Every branch of law was at his finger's ends, backed by a master brain and an eloquent tongue. Had he gone to the Bar and tried his chances at home, we believe that he would not be retiring as Puisne Judge of an Indian High Court, but in all probability would now be sitting on the time-honored Woolsack..............We can't do better than sum up our estimation of the great judge by following the example of our contemporary the *Native Public Opinion*; and adapting to Mr. Holloway the following description of Mr. Justice Buller, every word of it might have been written of the former :—

"His speeches from the Bench approached as near perfection as modern example reaches; they were models for imitation. He

possessed the greatest quickness of apprehension, saw the consequences of a fact, and the drift of an argument at its first opening, and could immediately reply to an unforeseen objection. His perception was almost too quick; it sometimes exposed him to the charge of impatience and petulance. The animation with which he spoke was imposing and impressive, and the earnestness of his delivery commanded alike attention and conviction. From the distinctness of his voice, not a word was lost, and this gave effect to his language, which was clear and correct. His summings-up of evidence to jurors were master-pieces of conciseness and perspicuity. He possessed to a degree never equalled in another, the distinguishing gift of seeing at a glance the point on which every case before him leaned; he stripped out of it once for all the circumstances which did not go to the merits, and to these alone he kept the evidence strictly confined. By such means the cause proper was got through at the end of every sitting; and the suitors of the court were relieved of the anxiety of suspense, the torment of adjournments, and the impoverishing punishment of more fees. Precipitancy of decision was imputed to him as a fault, but it was the decision arising from talent, which saw at one view the bearing of the facts on the doubtful points of the case, and the principles of law to which the attention should only have been directed."*

Nor was Mr. Muthusami Ayyar slow to recognise those qualities and to utilise them to his best advantage. The disciple and the *guru* were worthy of each other and it was, therefore, possible to behold the pleasing spectacle of Mr. Holloway's many condemnatory *dicta* regarding the Hindu usages and customs which, he stoutly maintained, should be discouraged by what they call *Judge-made law*, actually dissented from and even vigourously opposed by Mr. Muthusami Ayyar himself in his judicial findings based on his own orthodox reasonings. Be that as it may, Mr. W. Holloway gladly

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* Vide page 125. The Indian Jurist, April 1875.

enjoyed the satisfaction that his *protege* had risen to the highest office then available to a native and he wanted no more; while in his turn, Mr. Ayyar has also often acknowledged in unmistakable language his everlasting indebtedness to his great patron. And when the news of his death reached Madras on the 18th September 1894—only a few months prior to Mr. Ayyars'—the latter actually shed tears of love, and felt as if he had lost his parents, besides paying him his sincere tribute of gratitude from his seat on the Bench. As he had so often expressed it, he had never thought of Mr. Holloway without associating with him "all that was good and great in man." Miss Holloway in writing to the Native Judge about her father's demise, has clearly stated that her mother felt "it a duty to communicate the mournful news to you alone of all Mr. Holloway's Madras friends." Indeed—a deserved compliment! Such perfected love cannot but take comfort in the thought that " Heaven is the consummation of all divine friendship, and where all true friends do at length happily meet, never to part."

SIR HENRY MONTGOMERY.

The reader will remember that this gentleman was the first European benefactor of Sir. T. Muthusami Ayyar in his school-days and that it was also he who gave him the first appointment. Sir. Alexander J. Arbuthnot, the first Director of Public Instruction, has in his "Memories of Rugby and India" recently published by his lady, treated us to an interesting history of Sir Montgomery. Sir Montgomery was then the Chief Secretary o the Madras Government and took a considerable

interest in all Indian affairs throughout his life. "He was one of my kindest friends and we corresponded constantly after I returned to India. He was an extremely useful public servant, and his advice and opinion were always valued by the successive Governors under whom he served in India, and by the Secretaries of State in England. He served in the India Council in London for the long time of 18 years, for there was no time limit in his day. He finally retired from his official life in 1818, and was appointed a Privy Councillor on the recommendation of Lord Salisbury, an honor which is rarely conferred upon Indian Civil Servants. He retained to the last a keen interest in the Presidency of Madras, in which the whole of his Indian service had been passed." (P. 191—1.) Interesting correspondences are published in the book under reference.

SIR. ALEXANDER J. ARBUTHNOT.

This gentleman had also a great regard for Mr. Muthusami Ayyar both in his school-days and after he joined public service. Lord Harris became Governor in 1854 and Mr. Arbuthnot was appointed Director of Public Education in 1855, chiefly through the influence of Sir Henry Montgomery. He was also Secretary to the University Board." Mr. Arbuthnot rendered excellent service to the cause of Education in Madras which eventually led to his numerous appointments under the Crown, including also membership in the Legislative Council of the India Government, the India Council &c.,&c. He acted as Governor of Madras for some months and retired with great honors. He was much senior to

Mr. E.B.Powell who then succeeded him as Educational Director. His graphic anecdotes of early Madras life form an interesting history carefully recorded.

CHAPTER XVII.

HIS MISCELLANEOUS ACTIVITIES.

"YOUR VALUE TO YOUR COUNTRY WILL CONSIST IN THE PROPORTION I WHICH YOU AID PROGRESS."—SIR. T. MUTHUSAMI AYYAR.

Advice to Students—Services to the Madras University—His Convocation address—The Graduates Association—The National Indian Association—The Victoria Gosha Hospital—The Maine Historical Society—The study of Indian History—Religious and Moral Education in schools—The Malabar Marriage Commission—A running review of his Minutes and Writings.

The very eminent position he long held in society brought on him several casual and honorary functions which he could not refuse to perform. Mr. Muthusami Ayyar was often invited to preside over the College and School Anniversary meetings both in the city and in the moffusil. This was a great relief and pleasure to him, though he most sparingly accepted such public engagements. Most of his speeches and writings were due to his occasional response to such public calls on his talents, and it is very gratifying that the Judge even in those performances has done his best to make himself very useful.

ADVICE TO STUDENTS.

His addresses to Students were remarkable for the very practicable lessons they imparted to them not only on their duties to themselves but also to their country at large. His first address to the students of the

Presidency College to which he owed all his education and for which, therefore, he cherished a homely love and affection was full of excellent advice which even at this distant time will repay perusal, while at the Pacheappa's College he spoke for the first time in 1881 after he became a High Court Judge and on that occasion referred to the personal influence which his great and revered master Mr. Powell exercised in the moulding of his own youthful character.

SERVICES TO THE UNIVERSITY.

As a distinguished *alumni* of the Madras University he always entertained much respect to that institution and whenever opportunity occurred, expressed his love for it. His success in the B. L. Degree Examination entitled him to be associated with the University as a Graduate in Law and he was thereafter created a Fellow, and soon elected to the Syndicate, which office he held till his death. In this capacity Mr. Ayyar rendered useful services to the Senate and the Syndic. taking part in almost all the important discussions.

In the year 1882 he was invited to deliver the Convocation address to the Gruduates, and that task being for the first time assigned to any Native, he accepted it with much diffidence, but performed it with infinite credit to himself and to the University. The address was rather too long and decidedly the longest till then, though, since, in its length it is out-beaten by that of Sir. M. E. Grant Duff. The address evinces the Judge's careful observation of and keen insight into what was passing around him. His views on the current topics of

the times were pronounced with judicious prudence. Each subject has been handled with a thoroughness and precision and without any race partiality, while the address as a whole was rich with exuberant sentiments of loyalty to the British Sovereignty on which particular point his exposition was declared on all sides to be lofty and eloquent. The passage is too fine to be omitted here :—

"I must now conclude. This day marks an epoch in your life, for, it is the day from which you are to enter the battle of life, and your conduct is to be guided and controlled by your own judgment and conscience. It is also the day from which you are to compete with men before judges who will value your worth not by your good intentions or abortive efforts, but by the actual results of your work and conduct in life in relation to the requirements of your profession and country. The prizes you have to seek consist no longer in books, medals and scholarships, but consist in the gains and honors of literary and professional merit, in the pleasures of an enlightened home; in the rewards of a virtuous and an honorable career in life, and, above all, in the distinction and fame which await those who seek to raise the level of their country in intellectual and moral advancement. How far you will be able to look back to this day in the evening of life with satisfaction and pride, will depend on yourselves and on the way in which you will work and conduct yourselves, and on the aims and ends by which you will direct and sustain your energies. Remember through life your teachers to whom you owe so much. Let your thought and action be always guided by a profound feeling of loyalty to our gracious Sovereign and to the British nation to whom you owe a debt of gratitude which you can never adequately repay. Look to the past and compare it with the present, and say to what else you owe, if not to the British rule, the era of peace, of progress, of freedom and of material prosperity which has set in. Gentlemen, as surely as I stand here, the day will come, though you and I may not live to see it, when some one in this country will tell his grateful countrymen in prose or

verse how the two branches of the Aryan race once dwelt together in their ancient Caspian home, how they separated, how centuries of separation estranged them from each other, how each in its turn aided civilization, how they again met in India under God's Providence, in what stirring words of Royal love and wisdom the mission of England in India, viz., that she would not only rule India well but also raise her in civilization, was announced, what alternations of hope and fear chequered the path of progress, how the grandest of all spectacles, and the noblest of all triumphs, that of one nation raising another in civilization, was eventually realized and achieved by England in India. Meanwhile, gentlemen, toil on. Rely on yourselves for success in life. Let constant industry, honest devotion to duty, simplicity of character, and unflinching integrity of conduct and a modest estimate of your worth be your ladder to eminence. Take care, whether you are rich or poor, whether you are fortunate or otherwise, that you are always *gentlemen* and remember for the sake of your own happiness both in prosperity and adversity that it is mind that makes "a Heaven of hell and a hell of Heaven." Never denationalize yourselves, never blush to own that you are Hindus, and never barter the influence which you possess among your countrymen and which you may exercise for their good, for the petty vanities of dress or taste. Remember what an eminent English statesman once said, "Before all things and above all things, I am an English gentleman." Be gentlemen, in the sense in which the great statesman used the word, and take with you as words of farewell the following advice of the greatest of English poets :—

"Love thyself last ; cherish those hearts that hate thee;
Corruption wins not more than honesty,
Still in thy right hand carry gentle peace,
To silence envious tongues ; be just and fear not :
Let all the ends thou aimst at be thy country's,
Thy God's and truth's."

The speech was highly eulogised by the Press throughout India, the following being a random specimen.* "The Peroration was not only eloquent in style but

* The *Indian Mirror*, Calcutta. 12—4—82.

most excellent in spirit. It reflects infinite credit to the head and the heart of Mr. Justice T. Muthsami Iyer. The performance was of unquestionable success."

To the last day of his life Mr. Ayyar cherished an unabated love for his University and though conscious of several existing defects in its organisation, he never failed to regard University Higher Education as an unqualified success under the circumstances. While proposing the University Toast at the Chirstian College Day Celebration in 1899, he eloquently pictured to us the blessings of University Education and exhorted the University *alumni* thus :—"If you only persevere, our University will become in time as ancient as any of the Universities in Europe and there will be a University Day, when a toast will be proposed and received with enthusiasm and loved by your descendants for the memory of that illustrious band of educated men who have laboured so patiently and nobly for the regeneration of India under the auspices of the British rule."

It is, however, to be regretted that the Government of the day had failed to bestow on him the Vice-Chancellorship of the University, which he so fittingly deserved and by which the Government would have laid the native public under more obligations to the enlightened Educational policy which often marked the *regime* of Lord Connemera and of his successor, Lord Wenlock.

But years have since rolled away and this grievance still continues awaiting a more enlightened policy at the hands of the Madras Government, and even here the other local Governments have begun already and certainly well.

THE GRADUATES' ASSOCIATION.

He was ready to lend his services to such public institutions as his friends and acquaintances desired to start at Madras. That ill-fated Association of Graduates met on the **12th** April **1885**, and was attended by a large number of graduates of rank aud influence at the metropolis, and Mr. Ayyar was voted to the chair. He expressed his own sympathy with it in these terms :—

" Gentlemen—Before proceeding to the business proper, I shall say a few words on why we have assembled. I believe that the Association of Graduates desire the "national regeneration of the people" and that in whatever aspect you consider the question, it would be found that one of the prime factors of national regeneration would be "liberal education on a sound basis." The Association will among other things consider questions that might from time to time come up before the Syndicate and the Senate, and the views that the Association would entertain upon them, if submitted to the Senate would be of some value, at least as an expression of intelligent native thought. The suggestions and advice that that Association would from time to time offer might be of considerable value to the many Local Boards which were to have a large share in the management of primary education in this Presidency. The Association would, moreover, supply the want, the great and long—felt want, here of organised independent action for stimulating the growth of local enterprise and effort towards the extension of education, for rendering female education sufficiently effective for the requirements of progress and reform. The Association would also deal with the Vernaculars so as to make them the *media* through which all useful instruction may be conveyed to the masses. Again, it would from time to time bring all graduates together—those graduates who had already acquired distinction in life, and those who were endeavouring to secure distinction could all work together and their joint deliberation and action in such matters would be marked by sound sense and all that could be desired." (Applause.)

It is true that the Association did prove of immense use to the University and to the Graduates in particular and that so long as it exhibited any symptoms of life's exertion and activity, he contributed largely to the good work it then did, especially, during the great debate on the Upper Secondary Examination scheme of the late Mr. H. B. Grigg. For some reason or other the Association failed in a few years and little has been heard of it since, though it all of a sudden and to its credit, woke up and passed a vote of condolence when its President died in 1895.

THE NATIONAL INDIAN ASSOCIATION.

Another movement with which he interested himself was the attempt to elevate the position of the Hindu woman. He has expressed his sympathies with the *National Indian Association* and even consented to officially connect himself with its Madras Branch. Most of its meetings he attended and in some of them he took active part. He was elected its Vice-President for some consecutive terms and he cordially worked well in company with Mr. and Mrs. Grigg. The following short extract will tend to illustrate his attitude in that direction when he spoke at its annual meeting :—

"In moving the adoption of the Report, he observed that the work described, which was especially for the benefit of Hindu girls and Hindu young women, was not the outcome of spasmodic efforts but had been carried on with praiseworthy energy and perseverance during fourteen years. The procedure adopted by the Association did not consist in any aggressive interference with the mechanism of domestic and social life prevailing in Hindu Society, but it consisted in the introduction into native homes, through the agency of

the School, and Home Education of Hindu girls and young women, of new principles of action, thought and life, and new impulses of conduct more in harmony with the requirements of enlightened modern life. He drew attention to a remark of the Director of Public Instruction—namely, that the teaching was kept in close relation to domestic duties. These classes ought to be considered as a neccessary supplement to school education. He urged upon the educated classes to come forward, and to co-operate in this important work of the Association. There was a time when there were among the women of India, poets, authors, philosophers, and commentators on law—a time when great consideration and reverence were accorded to women, when such sentiments as the following were prevalent in Hindu society among all classes: 'Strike not a woman, even with a blossom';—'The family in which a virtuous woman sheds a tear &c., is doomed to perish.' If the regeneration of India were ever to be effected, women must be restored to the position and power which by their nature and by means of education they were fitted to fill and exercise. He hoped that the objects of the Association would receive the increased support which their usefulness merited."*

Though in this, as in several other movements, he might have exerted himself more zealously and perhaps more usefully too, than merely moving the adoption of Reports or seconding them with some stray observations on such occasions, still, it was something that he thought it a duty to do the little he could with the little leisure at his disposal.

FEMALE MEDICAL AID.

Mr. Justice Muthusami Ayyar also evinced great interest in the movement to afford medical aid to native caste-women, which under the disinterested patronage of Lady M. E. Grant Duff flourished so well in Madras.

* *The Indian Magazine and Review*, p. 316.

On March 8th in 1885 a public meeting was held in the Pacheappa's Hall for the purpose of considering the desirability of establishing a Hospital for Caste and gosha women. The Hon'ble the Maharajah of Vizianagaram, who by-the-by was a good and devoted friend of Sir. T. Muthusami Ayyar, moved the Resolution that "In the opinion of this meeting it is desirable to establish in Madras a Hospital for the exclusive use of Caste and gosha women." This was seconded by Mr. Ayyar in the following speech :—

"The desirability of founding and endowing a Hospital for the benefit of caste and gosha women had engaged my attention for some time, and I have placed myself in communication with several leading members of native society in Madras on the subject. There is no doubt that such a Hospital will be useful, and it will supply a long-felt want. Rational treatment, grounded on modern Medical Science, would commend itself to all reasonable men. In cases of confinement of caste women the proposed Hospital would be a solid blessing to them. The Hospital would confer substantial benefits to the caste and gosha women, not only in Madras, but in the Presidency generally. It is intended for the exclusive use of caste and gosha women, and it will have such a special organisation and such an internal arrangement, as would conciliate the conventional feelings and prejudices of those ladies. The institution will be officered by women, and will be in the charge of a lady of the medical profession. In order that the management of the institution might always be acceptable to caste women, it may be placed primarily under the supervision and control of a board of native gentlemen. The institution will further have among its patron and friends, ladies of exalted rank and position. Her Majesty the Queen Empress, who is known to take a warm interest in the well-being and advancement of native ladies, will be asked to become the Patron and to permit the Institution to be called "the Victoria Hospital." Mrs. Grant Duff, who takes a deep interest in ameliorating the condition of the native ladies in domestic and scoial life, will be

asked to be the Vice-Patron, as also should native ladies of rank. The institution will under such circumstances prove a success. Again, I wish to point out that it is not intended for the wealthy classes only, but for all. As a work of charity no institution could have a higher claim on the bevevolence of the people than the one now proposed."

The above movement very soon enlisted the large sympathy of leading men and the *Victoria Caste* and *Gosha* Hospital was formally opened on December 8th, Lady M. E. Grant Duff presiding. After Mrs. Scharlieb had spoken, Mr. Justice Muthusami Ayyar commended the institution to the public thus :—

"It is with feelings of pride and pleasure that I step forward to tender to Mrs. Grant Duff the heart—felt thanks of the Managing Committee for the kindness with which she had been graciously pleased to open the Victoria Gosha Hospital. The members of the Committee and the Native community in general feel deeply that they owe to Lady Grant Duff a debt of gratitude for the very warm interest she had taken in connection with the establishment of the institution. I believe that it would, to a considerable extent, diminish mortality and alleviate much suffering amongst caste and gosha women, who in times of sickness could not seek medical aid. The Committee look upon the establishment of this institution and the opening of Lady Dufferin Fund as standing memorials of that sisterly sympathy and charity with which high-minded English ladies regard the women of this country and that disinterested philanthropy with which they materially helped in the fulfillment of the noblest of all missions, reserved for the civilisation of the west to accomplish, namely, the emancipation of the women of the East. It is with feelings of proud loyalty and gratitude that the Committee recognise the maternal love with which Her Most Gracious Majesty the Queen-Empress so affectionately permitted her beloved name to be associated with this Hospital. The Committee also feel deeply indebted to H. E. the Governor-in-Council

for the liberal grant-in-aid towards the maintenance of the institution. And again those heart-stirring and eloquent sentences spoken by Mrs. Grant Duff in Patcheappa's Hall demonstrated the necessity that existed in this Presidency for an institution of this kind, and the warm and practical interest that she had always taken in everything conducive to the material and social well-being of the women of this country would long live in the recollection of the people of this Presidency, and would render her name a word of endearment, not only among the wealthier classes but also in many of the humblest homes."

THE MAINE HISTORICAL SOCIETY.

In 1890, Mr. John Adam, M. A. the enterprising Principal of Pacheappa's College and now a Bar-at-law, issued a circular with a view to originate a Society called *The Maine Historical Society* wherein to study & discuss questions of Constitutional History and Political Economy in their bearing on Indian questions. It was also distinctly announced that party politics and sectarian religious questions would not come within its scope. Mr. Adam sent round the circular and Mr. Justice Ayyar gave the scheme a hearty approval, and even consented to be its *first* President, not omitting, however, to observe that he could only lend the weight of his name and that he regretted his inability to do much practical work. The proceedings of the first meeting published disclose a very interesting discussion on the constitution of the Society and Mr. Adam said. :—

"It is, naturally, a great honour for me to have Mr. Justice Muthusami Ayyar as First President, but I am sure he will acknowledge, as will others, that in future years it would be a very good thing to give a chance to other members taking an interest in the Society, to rise to highest offices under it, as with the Royal Geographical and the Royal Asiatic Societies, whose Presidents as a rule,

are elected yearly, as the Vice-President who holds also office for only one or two years, as the case may be, other members being appointed to the vacant office of Vice-President, the Ex-President taking the position of one of the past officers of the society. There is always the great danger in societies, that those connected with them at the outset, or first appointed officers, continue to go on holding office, while the younger members, seeing there is no chance of their rising for a very long time, get disheartened and lax, whereas, if they could feel that their turn would come, it would be a great inducement to keep the society alive and going on prosperously &c.,............"

Mr. Ayyar forthwith rose equal to the occasion and with his characteristic modesty replied thus:—

"I agree with Mr. Adam in thinking that the distinction due to the position of the office of President or Vice-President should be one which every member of the committee, may in his turn secure; and it is in the interest of the society that the rule as framed, should be adopted. Speaking for myself, as First President, I may say that it will afford me the greatest pleasure to see a Vice-President or some senior member of the committee take this place.

"My object in accepting the office of President is simply to lend the weight of my position and thereby to contribute, as far as it lies in my power, to further the object which the society seeks to promote I have for a long time felt that the society that has been formed by Mr. Adam, entirely by the exertions of Mr. Adam to whom our our thanks are due, was a society which was a want in the country There are several reasons which led me to form this opinion. In the first place, many of our graduates know more of the ancient books and history of Rome and the Middle Ages, than of the ancient history of India. The historical knowledge of Colleges is regulated by the requirements of the University. That knowledge is only such as will enable them to secure one of the Degrees, but the knowledge which this society seeks to promote is, as I understand it, a knowledge so critical and thorough as to be useful in framing rules of practical conduct in life. From he time I had the honour of delivering an

address at the Convocation of the University, I have felt the necessity for the formation of a society like this and it is on account of the warm interest I take in the success of the society, that I have undertaken to fill the office of President, though I can spare but little time to discharge the duties devolving upon me as such, to your satisfaction, and therefore I am quite of Mr. Adam's opinion, that the officers of the society should vacate their office by rotation, whilst they should also be eligible for re-election."—Part I, April, September, 90. p. 11—12—, Proceedings published.

But soon this laudable movement had to share the fate of the Graduates' Association, even though started under such favourable auspices. The lethargy and indifference of the most enlightened residents of the city on whose support the society had mainly depended for its successful existence actually surprised the public, so much so that after but a very few meetings held few and far between and to the very face of the Professors and scholars who first enlisted themselves as friends and members in such large numbers, the society collapsed, if not practically ceased to do active work within the short period of 18th months, may it also be added, in the very edifice which pretends to represent the educational activity and progress of the Presidency and undoubedly to the undeserved neglect by the educated gentry in the very heart of the metropolis. The reason was that Mr. Adam, the prime mover and the pivot of the movement, had gone home for many months and during his absence its other members conveniently kept silent. But when he returned to Madras and complained of its cessation in work, promise was again held out to work more zealously for it, and as usual, they all met again in the Senate House, the President Mr. Justice Muthusami Ayyar again gracing the chair. How

the socity failed was then explained and let us here quote his words, as it gave him also an opportunity to speak on the necessity of studying our Indian History.—

Gentlemen,—I have not come prepared to make a speech this evening. I have also not had the opportunity of previously reading the paper which has been just read to you, so as to be able to make some remarks with reference to the various topics discussed therein. But I may say our warm thanks are due to Dr. Oppert for the very learned paper which he has read to us this evening (Applause.) It is a paper such as would be reasonably expected from a gentleman in the position of Dr. Oppert, who has for many years taken a warm interest in the welfare of the inhabitants of this Presidency, in the study of Sanskrit literature, and in constantly endeavouring to trace historical sequences between isolated and apparently unconnected historical facts mentioned in Sanskrit literature. I do not undertake to express an opinion whether the historical sequences referred to in the learned paper which has been read, are the sequences which would be adopted by you all; but this much I may say, they are are sequences which may be fairly indicated as the proper sequences and as such others learned in Sanskrit may take up the paper and consider whether those sequences are the correct ones. If those who are interested in reviving the study of history in its true spirit in this country make it their duty to read the papers which are read to them at these meetings, and to consider whether what is said here is open to any criticism or is worthy of adoption, we shall, I believe, in course of time make progress in the acquisition of knowledge of our ancient history, and also the methods by which we may endeavour to acquire a useful knowledge of our ancient history.

"I am also glad that Mr. Adam has returned to India. At the time of his departure there was a dispersion, which he has referred to, and by reason of that dispersion our meetings have been in abeyance, and nothing was done during the peried when Mr Adam was away. Now that he has returned, I hope we may resume our energy, and that these meetings will be regular and the objects we had originally in view be prosecuted with regularity and vigour. I may say, however, that from the very commencement I have taken

considerable interest in the work of the Society. I also take considerable interest in its success. My reason for so doing is this. I find from my own experience in life that many of our graduates who know a great deal about Europe, about America, about China, and about the savages of North America, know very little about ancient India. If they are asked to explain the mechanism of their social life, or the mechanism of their domestic system, they very often show an amount of ignorance which has often given me great pain, and if the English-educated youths of India are to be accepted by reasonable men as exponents of progress, and if the cause of progress is to be entrusted to their keeping, it is necessary that they should first know what they are and how they have come to be what they are, before they can hope to be what they desire to be (Cheers). I have always thought that the study of history should be pursued on the same lines on which the study of law is pursued, and has been pursued, by eminent jurists in Europe. It is not enough to know a rule of law—and yet many of our graduates who have committed to memory several rules of law, think that thereby they become lawyers. Does not every one see that they are not lawyers? What is necessary is that they should not only know the rule of law, but the reason on which the rule is based. He who does not know the reason of law does not know law. It is not enough that they know the reason of a single rule of law, they must know all the various modifications which the rule has to undergo, by the introduction of specific additional facts, and they must study all the "qualifications, as they are called, to which the rule is subject, and they must know the reason of each qualification. Furthermore, in modern Germany there were two schools originally, before the modern German law obtained its present position *viz.*, the Historical School and the Philosophic School. The object of the Historical School was to trace the law from its original condition to its present condition. The object of the Philosophic School was to indicate what the law should in reason be, so that it might be adapted to the actual exigencies of the present time; and what I have always thought is, that in the study of history we should study the history of our civilization. We should study our social system and the principles which underlie that structure and we should study the system of our domestic life and also

note the influences which bear upon this mechanism. We should also trace the history of each influence and refer it to the several historical events which have modified that influence from time to time. Unless in this way we have an accurate knowledge of our own civilization, it is idle to talk of men who do not possess that knowledge as being able to bring about a regeneration of India. Of course, it is not because a theorist from the standpoint of reason says that a particular thing is good that therefore that should be adopted by the whole community. What the theorist may say may be good; but the methods which he suggests will prove crude and ill-adapted to the habits of the people in the country. Therefore whatever may be the earnestness, and whatever may be the zeal with which you may advocate reform, whatever may be the amount of self-sacrifice to which you may laudably submit, you may not achieve any considerable amount of success and be commended for your labours. What is really needed is this. We should not only know what the proper course is and what ought to be the healthy and honest way to introduce it, but we should also know how to introduce that influence so as so make it a living influence in the society in which we move. I may illustrate what I mean, and refer to what is often done by doctors. A certain drug is prescribed by Medical Science as producing a certain condition of things. The condition of things which it produces varies with the constitution of each patient the physician has to deal with. The patient may be a child, the patient may be grown up, or may be an able-bodied man. In administering the dose the physician has to adopt a medium which will readily assimilate the substance of the drug into the system of the particular patient he is dealing with. In the same way the knowledge of our civilization under the various influences which underlie it and the history of each influence will suggest to us many methods whereby the unique principles which we wish our countrymen should adopt, the influences which we desire should animate them, may be assimilated into their home and social life. With these remarks I have again to express, on behalf of you all, our warm thanks to Dr. Oppert for the very able paper which he has read to us to-night. (Applause.)

But to them, perhaps, any historical researches and any attempt to popularise them would seem to be unprofitable work, although in the public platforms our distinguished lecturers wax eloquent on the great need of Post-graduate studies and researches in arts and sciences. In a few weeks again the Society ceased to justify its existence, as if to demonstrate to the world the indifference of our educated men. The present writer has now given here this subject a prominent attention only in the fond hope that the Madras *elite* might at least hereafter rouse up from their long lull and revive this useful Society once again. The enterprise of foreign scholars and tourists should shame the Indians who take no historic interest in the ancient land of their own birth. Has Mr. Adam, too, given it up as hopeless? It cannot be!

RELIGIOUS AND MORAL EDUCATION.

On the 17th July 1886, a special gathering was held at Mylapore to consider the question. "Is the present system of education complete or is it defective?" There was a very interesting debate in which Dewan Bahadur. R. Raghunada Row and Dewan Bahadur S. Subramania Aiyer took a leading part, the latter of them presiding. Sir. T. Muthusami Ayyar offered the following remarks in his turn of the debate:—

"This subject had often engaged my attention and the conclusion that I have always come to whenever I thought over the matter was that the system is defective in the two matters mentioned by the Chairman. To a certain extent it is also defective as a means of training the intellect. I have always felt that no provision has been made for moral and religious training. On some occasions when I

had to speak in connection with the framing of a curriculum for introduction into girls' schools, I had felt it my duty to call attention to that fact. The difficulty I feel is to suggest a scheme which may be carried out with a reasonable expectation of its success. I think that if the meeting is of opinion that provision ought to be made for moral training, a committee should be appointed to discuss the details, and it might then place before a public meeting a scheme which might be worked out. There is no difference of opinion as to the necessity and desirability of making provision for such training, but the point where opinions differ is as to the mode in which the theory might be put in practice. The scheme, as a whole, should be discussed at length in the committee and should be laid before the public. I also think that provision should be made for a system of religious education. The introduction of such a system into Government schools was, however, impossible, for Government schools are intended for all classes of people. The Director of Public Instruction might be requested to consider a scheme for schools intended for the benefit of special classes; surely, a scheme might be guggested and put into practice in Hindu schools at the least. During my long experience no defect of the present system had vividly forced itself on my attention as the want of religious knowledge which I notice among students, especially among educated students. Many of those students think that there is nothing to claim their attention in their religion. They think that the vulgar notions of the lower classes constituted the sum total of their religious belief. This is indeed a serious mistake. If one were to converse with an advanced Hindu student, the impression that the latter would leave on him is that so far as their religious phylosophy was concerned, the student had still to go to school. They might therefore frame a curriculum which might prove acceptable to all classes of Hindus. I have often in truth felt humiliated when I found a Hindu graduate and a missionary discoursing on religious topics and the latter possessed better acquaintance with the Hindu system of religious philosophy than the graduate, who had his attention called to it in his every-day life. At the present time there are many educated Hindus who are completely ignorant of the history of their own religion and who believed that there could be nothing good in their

system—a belief unfortunate for the country and one which he should like to see removed. As far as the intellectual training of the present system is concerned, even there certain defects appeared which were susceptible of amendment. Then again habits of private study are, I am sorry to say, neglected. Directly a student received his diploma and was invested with his gown he considers he has done all that he was bound to do. My late much—lamented friend Mr T. Gopal Row had once said to me that he began his life as a student and he was to end it as a student. It is necessary that they should be students all their lives. I may here allude to a provision practically in use in the late High school. Each student at the close of his career was allowed to remain attached to the school a year or two. He was obliged to select books that he intended to study for himself and now and then the mode in which the student studied came under the observation of the *Principal* who tested their study of it. That system worked well and may be with advantage introduced into existing schools. Thus habits of study would be made part of the school curriculum and after the student left the school that habit would remain with him."

Then the proposition was moved "that in the opinion of this meeting it is necessary to make provision in the curriculum of studies in Aided or Unaided Hindu schools for moral and religious instruction, and that a committee be appointed to consider and recommend a scheme on the subject. A considerable discussion ensued as to the possibility of introducing religion in the several schools. On this point, again, Mr. Ayyar spoke as follows :—

"I think we should first introduce the scheme in purely Hindu schools and see how far it would prove a success before extending i to other schools. It would be very undesirable to go before Government at this stage and tell them your curriculum is all bad, you must provide for moral and religious instruction," The answer to such a request would be that when the educational system was

first organised, the question of religious instruction was fully discussed and it was considered that it would be a departure from the doctrine of religious neutrality to recognise any system of religion as the religion to be taught in the Government schools. I do not see if the Government can be induced to recognise it as a want and I do not think that the doctrine itself is a bugbear. It has a principle to be recognised and that principle has been recognised in Government identifying itself with the Christian system of education. The question had engaged the attention of the most eminent men for a period of 14 years. The discussion was very animated and the resolution eventually come to was that in the present state of the country the Government would act wisely, if it carried out a scheme of secular education which would be beneficial to the country at large. The Government system of education should be secular aud secular only, but the religious and moral craving of the people and the cultivation of such should be attended to in their indigenous schools, schools entirely under Hindu management."

THE MALABAR MARRIAGE COMMISSION.

The Honorable Mr. C. Sankaran Nair (now on the High Court Bench) introduced into the Madras Legislative Council a Bill of great importance in view to the improvement of the social and marital position of the women in Malabar. A Commission was appointed by the Government to record evidence on the various issues raised in the Bill, such as the customs connected with Hindu Marriages, whether the proposed changes were desired by the classes subject to the Marumakattayam law, whether legislation was expedient, and if so, in what form &c. The Commission consisted of Mr. H. M. Winterbotham, Mr. C. Sankaran Nair, Mr. Kama Varma, Mr. Mundappa Bangara, Mr O. Chanda Menon, and others, with Mr. Justice Muthusami Ayyar

as its President. The Commission examined 121 witnesses *viva voce* and received 322 sets of answers, representing all shades of opinion.

To discuss here, at any length, of Mr. Justice Ayyar's labours in bringing this Commission to a successful close, is, for obvious reasons, impossible. Suffice to say that during all its sittings he had displayed his usual diligence and patience, besides a uniform courtesy towards the numerous witnesses commissioned from all ranks of the community, who have spoken of their high esteem for his admirable conduct as President. His views as well as those of the other members have been published in the reports and memoranda which are now public property. Of course, on a large subject like the marriage system, there must be a difference of opinion among the members and Mr. Winterbotham has thus referred to it in para 83 of his Report:—"We have shown in the course of this report the various points on which there is an unfortunate difference of opinion between ourselves and our President. Neither being able to subscribe to the other's views, our President has recorded a separate memorandum." But such differences on some details apart, Mr. Winterbotham says in para 80: "On the question whether the proposed legislation is essential in the interests of the minority and is expedient, we heartily adopt the arguments adopted by our President."

Here are the conclusions at which they as a body arrived and commended to Government:—

(1) "Though the minority that desires legislation is small, it is a growing and an educated minority, and every year will add to its strength and influence.

(2) The right to contract a legal marriage is personal to every one of Her Majesty's subjects and the demand for a permissive law is but reasonable

Sir Henry (then Mr.) Maine, the Jurist, said in 1868—"It is not the policy of the Queen's Government in India to refuse the power of marriage to any of Her Majesty's subjects.

(3) It is a demand which will be repeated year after year until it is conceded.

(4) A marriage law is an important aid to national progress and good morals.

(5) As a permissive law it will not force a legal marriage on those who are unwilling to contract it."

The Madras Government also in their review of the work of this Commission have recorded their high appreciation of Mr. Justice Ayyar's services in this matter.

It is well-nigh impossible to enumerate in detail the various other directions in which he exhibited his interest, whether towards charitable and philanthropic public movements or towards matters collaterally connected with his own work as Judge, within the limited leisure at his command which his laborious official duties spared for him; he never hesitated to help them with his counsel and, whenever needed, with a little of his purse at times. His advice was sought for on all important measures both by the Government and by the people and to every one of them he contributed his mature opinions. No Government Bill but was sent to him for his minute, no legislation but was undertaken without his consultation and no important Commission but

without his sitting on it. To such a policy of mutual confidence and esteem on the part of the Government and Mr. Ayyar, we owe those masterly minutes of his opinions on the varied topics of the day. Among them we would mention the minutes on the Illbert Bill, the Hindu Gains of Learning Bill, the Jury Bill, the Malabar Marriage Bill, the Religious Endowments Bill, the Infant Marriage and Widow Marriage Bill, the Age of Consent Bill, and the Local Self Government Bill. In all these minutes one can read his deliberate and dispassionate utterances, neither biassed by native prejudices nor unduly influenced by European interests, and more than that, his moderate and acceptable language even when he is attacking the vital interests of either party. Such documents are already public property. His speeches and writings, though few in number, are fine specimens of his English style and composition and no matter what the subject was, he devoted the same mature thought and the same attention and labour that characterised his elaborate judgments. Nothing to him was great or small, he regarded all alike. Beyond doubt, the thought and diction were eminently fitted for the themes thereof and neither careless diffusion nor unintelligible condensation marred the beauty of appropriate expression, the flow of thought, the convincing reason and above all, the strength of conviction and supporting authority in whatever he spoke or wrote. The most distinguishing merit of his utterances was that they were free from offensive language even towards the most uncompromising antagonists of his views. Who that has read his able minutes can fail to find instances or such estimate of his writings? His judgments, again,

always conveyed his criticisms of the views of Lower Courts in respectful words, and only pointed out where in their views were wrong. He formed his opinions rather slow and after considerable thought, but once he formed an opinion, no one stuck to it more closely; but he never hesitated to correct such views whenever on subsequent thought he found his opinion to be incorrect. Many of his judgments delivered in Divisional Benches or Full Benches deciding points referred to them have clearly left examples, as cited already, where he has confessed to his altering his opinions.

His views on the Indian Topics of the times are found in his various speeches and writings. They may be all right or all wrong, but they were sincere and practical, deserving of the attention of all earnest and patriotic Indians.

CHAPTER XVIII.

SOCIAL REFORM AND LEGISLATION.

"ARE YOU AFRAID LEST THE GOOD CAUSE SHOULD MAKE SHIPWRECK AT THE OUTSET BY THE INTEMPERATE ADVOCACY OF THOSE WHOSE ZEAL IS APT TO CARRY THEM BEYOND THE BOUNDS OF PRUDENCE AND LOYALTY? THIS DIFFICULTY MAY SURELY BE MET AND OVERCOME BY A SOCIETY WHICH POSSESSES MEN WITH THE JUDICIAL ACUMEN AND CALMNESS OF THE HONORABLE MR. JUSTICE MUTHUSAMI IYER."—*Dr. David Duncan in his University Convocation Address, Madras.*—

Sir. T. Muthusami Ayyar was, indeed, a thorough Social Reformer and held very advanced and, on some particular subjects, even radical views. His utterances regarding the position and prospects of women in the Hindu Society certainly indicated that he yeilded to none either in his admiration for their vitrues or his solicitude for their increased happiness. He strongly advocated higher education for them and condemned the restraints placed on their home-life which greatly deprived them of even innocent amusements. He also suggested certain avocations for Hindu women and expressed himself in favour of adult marriage and widow re-marriage. He sincerely deplored the baneful effects of the caste system as vehemently as any social reformer. All the same, he has been regarded as a typical orthodox Hindu, because, he would not join hands with the reformers of his time in their zealous efforts to ameliorate the lot of Hindu women, in the manner he was required to help them. Times without number Sir Muthusami Ayyar was criticised by his life-long friend Divan Bahadur Ragunada Row and his co-workers, for his not lending judicial help to their methods of improving the Hindu

society. There were frequent discussions on the hesitating attitude of the learned Judge on the question of legislative interference or judicial pronouncements in social matters, so much so that many have regarded it as a weakness or cowardice in his otherwise excellent career. Very few of the critics, however, attributed such lack of vigorous response to any want of sincere sympathy on his part for the heroic work of the earnest reformers. Most of his countrymen knew well that he was usually conservative and cautious, least inclined to initiate a bold departure in any matter and much less to go against the current opinions and established practices of the society. He never desired, in fact, he carefully avoided to wound the religious susceptibilities of a people brought up for centuries in a particular groove and accustomed, surely thoughtlessly sometimes, to observe certain immemorial usages amongst them. On all the occasions he had addressed his countrymen, he advised them to move on, but slowly, in introducing new customs or in changing the old ones. His own action was ever consistent with his teachings. He realised, as well as any advanced thinker of his time, how the Hindu society has deteriorated in certain directions and how the members of that community hesitated to act up to their convictions. He was never a blind admirer of everything past; on the other hand, he often acknowledged certain defects in the ancient civilisation of India. Here,* for instance, is a significant observation of his which evidences his admiration for the ancient civilisation as well as his criticism of its peculiar defects.—

* From his lecture on the Hindu Society delivered at Trichinopoly in 1884.

"Venerable as our civilisation is, and difficult as it is not to feel love and pride as we stand before the colossal edifice, reflect that it has stood in its place for more than thirty centuries, examine into its structure in detail and trace the care, fore-thought and design with which ample provision was made for the exigencies of life in archaic times, we are still unable to resist the conclusion that as is often the case with all human institutions, the influence upon it of foreign invasions, of dynastic changes, of the progress of thought, of the revelations of modern science and of friction with other civilisations, has not been fully anticipated and adequately provided for."

He was thus well aware of the fact that the Hindu Society has not been adapting itself to modern exigencies and that certain customs and usages deserved to be mostly discouraged. He knew also how strongly the European friends of India felt themselves morally bound to put down the pernicious usages which afflicted the Hindu Society and how they were prepared to do anything for effecting those reforms, provided the educated classes welcomed their co-operation. It could not be that Mr. Ayyar failed to grasp the force of the remarks frequently made by such distinguished Jurists as Mr. J. D. Mayne who in his treatise on the Hindu Law, for example, has said thus:—

"The Pundit, however bigoted he might be, was at all events a Hindu, living amongst Hindus and advising upon a law which actually governed the every-day lives of himself and his family and his friends. He would torture a sacred text into an authority for his opinion, but his opinion would probably be right, though unsustained

by, or even opposed to, his text. With the English Judge there was no such restraining influence. He was sworn to administer Hiudu Law to the Hindus and he was determined to do so however strange or unreasonable it might appear."

"The fact really was that the law had outgrown the authorities. Native Judges would have recognised the fact. English Judges were unable to do so, or else remarked (to use a phrase I have often heard from the Bench) that they were "bound to maintain the integrity of the law." This was a matter of less importance in Bengal, where Jimutavahana had already burst the fetters. But in Southern India it came to be accepted, that the Mitakshara was the last word that could be listened to on Hindu law. The consequence was a state of arrested progress in which no voices were heard except those which came from the tomb. It was as if German were to administer English law from the resources of a library furnished with Fleta, Glousille and Bractor and terminating with Lord Coke."

So old-fashioned and even anomalous it certainly looked when the Judges of the Nineteenth Century were determined to quote the authorities of Manu, Yagnya-valkya, Katyayana and such Hindu law-givers who could not obviously anticipate, as indeed they have not, the immense changes, whether for the better or the worse, that have crept into the usages and the daily lives of the present-day Hindus. In adopting such a policy the Judges simply professed to forget the progressive tendencies of every community in the world and the necessity for modifying their laws and regulations to suit the changed conditions and habits in life. Legislation can never afford to stand still or to attain perfection, and Mr. Mayne has therefore rightly urged upon the Judges to administer the Hindu law to the Hindus as would suit the Hindus of the time being. This,

however, required a very strong, bold resolve to face the temporary obstacles in the way. Of course, it is not easy to initiate a great departure from long—established customs obtaining amongst a large community disposed to take everything with an indifferent or unthinking submission to precedent or custom. The only solution in such circumstances has been suggested by Sir. Henry Maine, another great Jurist, in his observation that "Social necessities and social opinion are more or less in advance of law. We may go indefinitely never to the closing of the gulf between them, but it has perpetual tendency to reopen. Law is stable, the societies we are speaking of are progressive. The greater or less happiness of a people depend on the degree of promptitude with which the gulf is narrowed."

As to Sir. T. Muthusami Ayyar's attitude towards these points under discussion, he held strong views on the other side. As a Judge he respected the best precedents, although he knew that "Time makes ancient good uncouth" and that circumstances make ancient law obsolete. He hesitated—such was his conception of a Judge's duty—to establish new precedents, however glad he would feel if others would venture it. He interpreted the Hindu Law as it existed at the time, not as it should have existed in the interests of justice and humanity. He refused to take the responsibility of administering the existing law in the light of new conditions and new demands of a section of the Hindu Society. It was said of the great American Judge (Mr. J. B. Bradwell) that he boldly set his face against the prevailing slavery laws and changed them by his

judicially declaring against their iniquities and that he recognised the marriage during slavery and awarded all civil rights to its offsprings proclaiming to the world—his Government included—his resolution [that " were there a thousand of these decisions, made under the influence of slavery laws, in favour of slavery, and against the conclusions I have come to in this case, I would brush them aside as I would a spider's web and decide this case upon what I consider to be the first principle of Law—Justice and Humanity.........The view I have taken of this case makes it unnecessary for me to examine the Civil Rights Bill passed by Congress or the Enabling Act of the Tennassee legislature." If like this dashy and self-reliant Judge, Mr. Muthusami Ayyar had chosen to act on the Bench and to promote, so far as he had opportunites, the cause of social and religious reforms, no doubt the friends of progress would have welcomed such support. It is pity he has not found his way to so oblige his countrymen. He had his own reasons with which to support his passive attitude and here are a few random citations which generally indicated the process of his thinking on the question of legislative and judicial interference with customs and usages.

"I may take it that our procedure should be one of improvement and extension, and perhaps of partial reconstruction as contradistinguished from indiscriminate demolition, and that the agency through whose direct intervention this alliance is practicable should be, in the main, indigenous."

* * * *

"It would be folly to either abandon from indolence or self-complacency the advantage of your position and to build up an entirely new social system, even if it were possible to do so, or to

accept what is, as the best that can be had, on the authority of pres-cription. ....The proper spirit in which such work should be undertaken is to borrow from a philosophic Jurist, one of intellectual freedom, of independence of all authority; but this sense of freedom should not degenerate into arrogant dogmatism, but should be tempered by that feeling of humility which would result from an unbiassed contemplation of your limited, individual powers. Thus, the revision of the labors of the past, in order to gradually eliminate what is unsuited to the requirements of modern culture and appropriate what is suited to them as your permanent possession, is necessary to enable you to deal with the great problems of social life, which will confront you before India is regenerated"

* * * *

"If legislation is undertaken at all, it must be on a popular basis and in a mode which interferes neither with caste nor with the immemorial law of inheritance, and sufficiently takes into account the habits of the people as regards the privacy of their women and which does not force on them an elaborate system of judicial divorce contributed to meet the requirements of societies where the institution of marriage has prevailed for centuries, and time has invested the bonds of marriage with the highest possible tension. If these are not to be recognised as the conditions of practicable legislation, I must say that that legislation is not expedient for the present:—*Minute on the Malabar Marriage Bill.*

* * * *

"In advertence to the doctrine of neutrality I stated that such restrictions should be tolerated in the same way as they are in the case of marriages contracted on this side of the ghats, so far only as they are referable to the rules of Hindu law. I stated also that the society should be free to alter its customs with reference to the requirements of progress, and that this object might be effectually secured by inserting the words *for the time being* and thereby imposing obligation on the courts to recognise those actually existing at the time of marriage. That there was a decision at some former time recognising a different custom could not produce the recognition by the courts of a subsequent modification of that custom. I may here quete Sir. J. F. Stephen's observations on the Brahmo Marriage Bill, "The native laws should not be changed by direct legislation except

in extreme cases, though they may and ought to be moulded by the courts of Justice so as to suit them to the changing circumstances of society. If this principle is fully grasped, it will, I think, serve as the key to nearly every question, which can be raised regarding the alteration of Native laws."

* * * *

"It may be that the aristocracy of a country adhere to an ancient usage more tenaciously than the middle and the lower classes, but it is anything but probable that the institution of marriage originally existed among the latter, whilst it did not exist among the former." (*51 page.*)

* * * *

"In dealing with a customary marriage in a society which recognises caste as a quasi-religious institution, I see no alternative but that of recognising such Marriage customs as have a legal origin, although I would not formalise them but help on social evolution by inserting the words 'for the time being' and thereby recognising any change which may take place from time to time owing to the spread of education. (*p. 68,*)

* * * *

"The first and most prominent objection is its revolutionary character. If it were put before the Government that the Hindu Law, as admimistered on this side of the ghats, is a relic of archaic legislation, that the law of coparcenery is, in the opinion of some, unworkable and obstructive of the devolopment of individual industry; that the succession of distant Sapindas to the exclusion of near blood relations is opposed to natural instinct that the total displacement of daughters by sons in the line of succession is not in consonance with parental affection; that the theory of funeral oblations and spiritual benefit on which the Hindus rely is unreasonable; that if a law framed on rational basis were substituted, it would, in the course of a few generations, become the law of the people in general; that some of the English educated men who vehemently declaim against some of the provisions of the Hindu law may be treated as the haven that will leaven the whole "lump"; I entertain no doubt that the Government will say, wait until the few induce the many to agree wfth them. In the meantime, sound policy forbids consistent legislatiive action against the wishes of the bulk of the

population on the 'ground that they are' uninstructed in the English sense of the term." (*p. 79.*)

* * * *

"I donot think that the Government desire to improve the national morality by aggressive legislation."

Apart from these chips from his many speeches and minutes, the following extracts from one of his able judgments are sufficiently expressive of his views as judicially pronounced.—

"The substantial question for decision is, what was the recognised usage of the caste to which appellant belongs at the date of the suit, whether it was against his marriage with a widow, and if so, whether a departure from it affected his caste *status* so as to deprive him of the right claimed in the plaint. The Subordinate Judge observes that the general usage of Brahmans forbids such marriage and condemns those who infringe it to exclusion from caste, and that the custom is a general custom and one of general notoreity of which Civil Courts may take judicial cognizance. As to the custom of the caste being against the marriage, the District Munsif himself appears to entertain no doubt. In one part of his Judgment, he, observes "I have reserved to the last the discussion of the question of custom. Since the commencement of the *Kaliyuga* about 5,000 years ago, it is said that no widow marriages have taken place. That a different course prevailed before Kaliyuga has already been shown. Why in the face of the sanction of Parasara widow marriage in Kaliyug has been discontinued is to be decided now." He then refers to paras 86 and 87 of Mayne's learned treatise on Hindu Law where it is said that—"It is probable that the change of usage on this point (remarriage of widows) arose in former times from the influence of Brahiminical opinion, marriage coming to be looked upon as a sort of sacrament the effect of which was indelible." The District Munsif who refers to the opinion of some writers who trace the custom to the effect of the celebrated wars of the Mahabarat upon the proportion between the number of widows in this country and the nubmer of griols of a marriageable age. He then concludes the the discussion with this observation :—"I have taken time and given

my best thought and consideration to the subject, and I am of opinion that the custom ought to give way to law." Here it will be observed that he treats law and custom as antagonistic to each other, The preamble of Act XV of 1856 refers to the custom as an established custom and the Hindu law then administered by the Civil Courts is invalidating such marriages. Moreover, in the *Queen V. Sankara*· (1) the general custom is referred to. Further, the two leading commentaries, the Mitakshaɹa and the Dayabhaga, and the other commentaries, donot contemplate the case of a widow marrying and getting a son whilst enumerating the heirs of a deceased person. This indicates that the custom is at least as old as the period of the digests during which the Hindu law as deduced from diverse sources was consolidated by a process of interpretation into a homogeneous system. I am, therefore, of opinion that the finding of the court below that the general custom of the Brahman community as it stood prior to Act XV of 1856 is against the marriage, is open to no legal objection and must be accepted in second appeal.

"This being so, the further question arises, whether the Subordinate Judge is right in declining to go behind the custom and to examine whether it is deducible from the original sources of Hindu law. The District Munsif examines into these sources, states what inference may, in his opinion, be drawn from them, how the orthodox Brahmans interpret them so as to support the general usage, and discarding their interpretation as unreasonable and incongruous concludes that his interpretation is the only reasonable construction which ought to be adopted. He then observes:—"The oppositionists point to the custom of 50 centuries. But we are considering a question of Hindu law purely on the standpoint of law itself. It is incumbent, therefore, to see what it says on the point of custom." He then refers to the conventional rule as to the relative weight of the several sources of Hindu law, *viz Vedas* precede the *Smritis*: Smritis the *Puraas* and then custom &c., and cites a passage from the Mahabharat which is to the following effect:—"As to those who wish to know what *Dharmas* are, for them the *Veda* is the highest authority, the *Smriti* the second, and custom the third."

"This conventional rule of interpretation is acknowledged by all. But under the teaching of Sankara, another conventional rule came

to be adopted together with it by commentators of authority who consolidated the diverse law sources into a consistent system of law. They considered that all the recognised law sources were inspired writings, and that if preperly understood, they were capable of being reconciled, attached great weight in connection with their interpretation to usage approved by learned and pious men. Thus a latitude of interpretation was introduced by them and their exposition of law which was at times wide both of the conventional rule first mentioned and of the rules of doctrinal interpretation, was in many cases readily adopted by the people as authoritative, and as a guide to their caste practice in consequence of the great respect which they had for their authority as men of learning and piety. After the practice of the people continued for some time, it reacted on the mode in which commentators reconciled the original law sources with each other, and gave to what was originally a mere Juristic thought the force of a rule of law. Whilst this accounts for the belief of the general community that what they practise is consistent with the original law sources as authoritatively interpreted and adopted for many generations, it suggests also the stand point from which a reformer who desires to revive some practice of ancient times as being salutory may act. He may treal the anthoritative commentaries as misinterpreting the original law sources, and ignore the Juristic thought which they contain as a legitimate factors in the development of Hindu law. *The District Munsif apparently confounds the functions of the judiciary* with those of the reformer. In administering Hindu law the former has only to see what is the Hindu law as received and practised by the Hindu community in general with the conviction that it is law, and to declare and enforce it when it is ascertained. It is not for him to go beyond, to resolve the Hindu law as received by the people into its historical factors, to see how far its historical devolopment has diverged from the logical or the philosophical development in the light of modern civilisation, and to reconstruct a system of Hindu law which the people ought to have received and followed as consistent with their *Shastras.*

This mode of reasoning is altogether inadmisible as a ground of udicial decision. It has for its object not to declare the Hindu law as

it was received by the Hindu community and as proved by their usage prior to Act XV of 1856, but to criticise and reconstruct it upon speculations as to how Hindu law ought to have developed itself according to the relative weight of the original law-sources for the purpose of evolving an antagonism between law and usage. If the Civil Courts are at liberty to travel back beyond the law and usage of Kali age, and examine into the ancient Hindu law usage, it may be admitted, that texts may be cited from *Vedas and Smiritis* which bear a construction in favour of remarriage of women, and that the interpretation adopted by the general Hindu community under the teaching of commentators of authority to reconcile them with the usage which came to prevail in the Kali age is strained. It may be further admitted that traces do exist in ancient treatises of twice-married women, and of their children forming a section of the Brahmanical community and of a gradual historical development under which restrictions on the remarriage of women gained ground step by step among Brahmans, until marriage came to be recognised as a sacrament of which the effect was indelible where it was once contracted, and as complete when "Saptapadi" was performed......... When the Civil Courts find what the Hindu law is as evidenced by the usage of the community based on the conviction that it is law, they light upon positive authority, to use the language of the Privy Council, serving as the basis of a judicial decision and it is immaterial to them how that usage historically originated and how the conviction of the orthodox community that what they practise is founded upon their sastras was generated. A disquisition into several law—sources such as Sruti, Smriti and Manapuranas, and custom is of a judicial value only for the purposes of elucidation and of tracing the consciousness of generations that have passed away that what is practised was law. If such disquisition leads them to a period when the law and usage were otherwise, such discovery should tend only to enable them to trace the origin and development of the law and usage as they since came to prevail. It is not permitted to the judiciary to push the disquisition beyond those legitimate limits, to treat the several law—sources as independent*

* p.p. 301—335. XIII M. L. R.

factors which he is at liberty to manipulate at his pleasure and by a process of reasoning to disintegrate the law as received and practised by the people, and to build up a fresh system of Hindu law, which though obsolete is, in his opinion, more in accordance either with the Vedas or Smritis than the usage adopted by the people as founded upon them. It must be always remembered that the Hindu law, which the Courts are bound to administer, is the law as received by the Hindu community and not as it stood either in the Vedic or Smritic period of their history, and that any other conception of Hindu law to be administered by the courts is neither Judicial or Rational. If it were otherwise, the Court might have to force upon the Hindu community of this country the several portions of obsolute Hindu law which existed at some former time and have since fallen into disuse. What are the Courts to say, if they are asked to revive the obsolete law of Niyoga as the result of a disquisition into original law—sources? The question which he had to determine is no longer one of the appellants' legal status, for, a Brahman widow is now at liberty to re-marry under Act XV of 1856, but it is one of legal status in respect of a caste institution, which, it is asserted, recognises and is influenced by the general religious usage of Brahmans and of the other regenerate classes."

Right or wrong, these were his justifications for his conservative attitude. Only one quotation more. Mr. F. Rowlandson in his brief sketch of Sir. T. Muthusami Ayyar writes thus on this subject :—

"In this direction, i. e., in the adaptation of the law of the land to the varying customs of a country peopled by tribes as well as by races, the first Native Judge of the Madras High Court might have achieved, certainly might have attempted much. That he attempted little and achieved much less can, it is true, be explained with some measure of satisfactory completeness by two considerations. It may well be that he honestly felt that it would he indecorous for him to take the initiative. And it is certainly true that "in plying the labouring oar" which fell to his uncomplaining lot in an undermanned Court, he had but little time to gather together his forces

for so supreme an effort as the introduction of such reform would unquestionably have been. But though such an explanation may be taken to fairly justify his acquiesence in and his contributing to the perpetuation of the 'grotesque absurdity' denounced by Mr. Holloway, it must remain a subject for lasting regret that he did not rise equa to an occasion which it cannot be denied was afforded him."

"When Muthusamy Iyer was placed on the High Court Bench, two courses were open to him; the first, to attempt reforms which would have seemed almost iconoclastic in their character; the second—in which only too many precedents had been set him by his predecessors—to mourn over the errors of the past, but to leave them severely alone, content to minimise the creation of any fresh mistakes. It can hardly be contended that to a Hindn of the Hindus, a lawyer of profound learning, and a man of a more than respectable independence of character, both of these alternatives did not present themselves. But the task of undoing what had been ill done was one which called forth something more than self-respecting independence.........It was certainly not that of the quiet unassuming public servant who had worked his way up from the Village Accountant's humble lot."

But, after all, he has only acted in the spirit of that most earnest and distinguished Reformer, the late Mr. Justice Ranade who was equally cautious in his advice.—

"The process of growth is always slow where it has to be of a sure growth. The best natures naturally want to shorten this long process in their desire to achieve the work of a century in a decade. This temptation has to be resisted, and in this respect the teachings of the evolution doctrine have a great force, because they teach that growth is structural and organic and must take effect in all the parts of the organism, and cannot neglect any and favour the rest. There are those amongst us who think that in this connection the work of the reformer is confined only to a brave resolve to break with the past and do what our individual reason suggests as proper and fit. The power of long—formed habits and tendencies is ignored in the view of the matter. The reformer does not begin to write upon a

clean slate. His work is more often to complete the half-written sentence. He has to produce the ideal of the actual and by the help of the actual. We have one continuous stream of life flowing past us, and "we must accept as valid the acts which were noted in the past, and on the principles of the past," and seek to turn the stream with a gentle bend here and a gentle bend there, to fructify the land; one cannot afford to dam or force it into a new channel. It is this circumstance which constitutes the moral interest of the struggle, and the advice, so frequently given that we have only to shake our bonds free and they will fall off themselves, is one which matured and larger experience seldom supports. We cannot break with the past altogether; with our past we should not break altogether, for it is a rich inheritance and we have no reason to be ashamed of it. The society to which we belong has shown wonderful elasticity in the past and there is no reason for apprehending that it has ceased to be tractable and patient and persistent in action, which respects it, while seeking to correct the parasitical growths that have encrusted it, and sucked the life out it.........Let us seek inspiration in the best traditions of our past, and adjust the relations of the past with the present in a spirit of mutual forbearance. The Shastras they revive, but they respect the spirit more than the letter of the law. The road is difficult and beset with dangers, but as it is the sure road, there is no choice."—Mr. G. M. Ranade in a Lecture at Allahabad on 28th December 1892.

CHAPTER XIX.

SOME NOTEWORTHY UTTERANCES.

There are many excellent thoughts in the writings and speeches of the great Judge, which deserve prominent attention. Some of them have been cited in the previous pages whenever occasions arose and the following are a few others which this writer would offer to the Indians, as in his opinion, they would be the Judge's parting advice to all his countrymen:—

British Rule.

" I am aware that there is hardly one Educated Indian who does not really think that the British Government is the very best that we can have."

* * * *

" The British Empire in the East is a colossal Empire the like of which never existed in India, perhaps even in Hindu fable or poetry."

* * * *

" Consider for a moment what would be the result, if the British were to withdraw from this country at once. Anarchy, internal dissension and misrule would be the inevitable result. Our career of progress which has commenced will be checked and may not be revived for centuries to come. The light of western civilisation which is now shining over the country will vanish before it has become widely diffused and before a National instinct chastened and invigorated by a

constitutional spirit and love of progress has been fully formed."

Loyalty.

"Loyalty to the British throne and constitution is not only a virtue, but its absence is a crime."

"I desire to impress upon you that loyalty to the British constitution is the foundation on which India should be raised, sustained and developed."

Advanced India.

"When I compare what South India was 40 years ago with what it is at present and look at the various signs of progress which meet our attention all around, I cannot but feel and I think that many of you will feel alike, that the country under the influences of liberal education and good administration has entered on a career of progress; it has made during the period very large strides on the path of progress."

Regeneration of India.

"There is something which makes me feel that the regeneration of India is a mission which the civilisation of the West will accomplish."

India's Future.

"For a long time to come and until India is thoroughly regenerated, we must be a protected nation, and where can we find better protection than in the British constitution? Even when India is regenerated, I for one think that our relation to Great Britain must be that of a Colonial Constitutional Government affiliated to and in federal, loyal Union with the parent

constitution. By that time so much British capital will have been sunk in this country, so many of our plateaus will have been colonised by British settlers and the tie of mutual interest and attachment will have been so much strengthened that the two nations will regard each other with that brotherly feeling with which they regarded one another before they left their Caspian home in remote antiquity."

Social Intercourse.

"My only desire is that the Native and the European should not, in their relations as fellow-citizens, overlook the exigencies of progress, but act with mutual considerations, so that their descent from the common stock in the far antiquity may become the watchword for mutual esteem, cordiality, love and brotherhood."

Simultaneous Examinations.

"I am in favour of Simultaneous Examinations Competetive in India and England, provided that there is no insuperable difficulty in holding the *viva voce* Examination....................A Simultaneous competition is desired, because a good number of young men in India will go to England and stay there for sometime more readily after they succeed at the competitive examination than before it. The concession is the fairest that can be made."

Education.

"If ever this country is to become great, it must be through the diffusion of western knowledge. It is western literature that must raise the true national thought and feeling. It is western science that must

develop the resources of the country, and manufacturing and other industries. It is the spirit of western institutions to which we have to look for the political education of the people in India."

* * * *

I need hardly tell you that Higher Education is imparted to you, not to enable you to earn your bread, but to enhance your value to the State and to your country as men of culture and leaders of national thought."

Enterprise.

"The centuries of anarchy, lawlessness, and misrule which preceded the introduction of the British Rule have in several parts of India either nipped in the bud the spirit of enterprise even in the limited range within which it was possible, or arrested its further development or altogether blighted its growth."

Political Greatness.

"I would ask one and all of you to remember that no nation whose material civilisation is primitive is poltitically great."

National Progress.

"The life of an individual is measured by a calendar year, but the life of a nation is not to be so measured; the unit of its measurement is a century instead of a year."

Hindu Marriages.

"After going through the Vedic texts relating to the marriage ritual, I am unable to resist the conclusion that those texts contemplated no Infant marriage. The

only matter to be regretted by friends of progress is that instead of temptation to vice being prevented by enjoining paternal control over the unmarried girl and paternal guidance to her choice of husbands, it was prevented by enjoining her marriage at a time when she could not realise its import and gravity as a solemn contract, and when her father could not secure data to decide whether the husband he chooses for her would contribute to her happiness or make her life a burden.'

* * * *

"Until and unless Infant Marriage ceases and Widow Marriage is permitted, the emancipation of Hindu woman cannot be regarded as complete."

* * * *

"Child Marriage which is now so common was only a later graft on the ancient marriage after maturity."

* * * *

"On all hands it is admitted that twice-married women existed in this country as a separate class and as part of Hindu Society up to the commencement of the Kali Yuga. Such being the case, why should the widows that now marry be excommunicated and persecuted as though they were out-castes? Does it not savour of vindictive intolerance when you persecute people for renewing a practice which existed during the Smritic period?

* * *

"A fastidious notion as to the form of female purity necessary to the efficacy of religious rites led to the recognition of a taint in a prior unfortunate marriage and rendered the misfortune of widowhood a life-long misery."

"According to your ancient traditions, law and religion, the wife is the husband's partner in *darma.* Modern progress suggests that she ought to be his partner also in the pleasures, comforts, sorrows, dignities and anxieties of life."

Be Hindus.

"Never denationalise yourselves, never blush to own that you are Hindus, and never barter the influence which you possess among your countrymen and which you may exercise for their good, for the petty vanities of dress or taste."

PART III.

Sir. T. Muthusami Ayyar,

An Appreciation

BY

Mr. Eardley Norton,

(Bar-at-law.)

[I am much indebted to Mr. Eardley Norton for the following pages. I am aware that Ihave given him much trouble through my constantly insisting on his promised contribution to this book. It is very kind of him to have spared some time from amidst his laborious and arduous professional engagements at present at Culcutta, as it is also my great fortune that he has been able to send it to me just in time. His sketch offers a sincere tribute of respect and appreciation which Mr. Norton has all along entertained for the Judge and I may assure him that the Madras public will read his outspoken remarks clothed in his usually fluent and fascinating language with the interest and delight which his utterances have never failed to elicit. Words fail me to adequately thank him for his ready response to my request as well as for his brilliant article.—M. P. D.]

SIR. T. MUTHUSAMI AYYAR.

AN APPRECIATION.

A Brahmin born of humble parents, and himself for a short time a Naib to a Mofussil Magistrate, Muthusami Ayyar worked his way from start to finish by dint of sheer ability, rising to be the first Indian Judge of the High Court at Madras in consequence of an intellectuality, of a courage, of an honesty and a perseverance which owed but little for their success to the fortuitous advantages of European patronage or the favour of the great. Yet looking back upon his career through the dim vista of time, which obscures where it does not entirely erase the truth, it was fortunate for the modest yet ambitious Brahmin youth that there were friendly eyes at Court which followed him with intelligent and impartial praise and, when the hour struck, rewarded him with the recognition which was so justly his due In the Civil Service, Sir Alexander Arbuthnot stood behind the throne a kindly critic. On the Bench, Holloway welcomed with generous warmth the advent of another giant. At the Bar my father, John Bruce Norton, helped to set the new star in its befitting firmament. From the Mofussil to the Madras Small Cause Court was a translation which in those days was rarely accorded an Indian aspirant. The translation from the Small Cause to the High Court was an experiment upon which prejudice hesitated to embark. But the prescience and statesmanship of

those who vouched its desirability have been more than justified by the instant and permanent triumph of the lawyer who will always hold in professionol circles in Madras the respect and veneration as a Judge which accompanies the name of Dwarkanath Mitter in Bengal. When I arrived at Madras in July 1879 Muthusami Ayyar had been on the Bench only two years. But he already exhibited that dignified restraint, that wealth of learning, and that great virtue of detachment from the petty prejudices of surrounding circumstances which not only never diminished during his tenure of office but which on the contrary grew and developed with his strength because they were part and parcel of the very nature of the man and not mere accessories which, as do some others of his profession, he put on and took off with his gown and his bands. Until he died I practised constantly before him both as a Judge of Original Jurisdiction and as one of a Bench. I have appeared before many Judges in many places in my time, both before High Court Judges and Judges who ought to have become or thought they ought to become High Court Judges. Were it within my power to select for a difficult trial, in which I was interested either as party or as Counsel, the constitution of the Court, I would unhesitatingly apply for Muthusami Ayyar or Kernan on the original and for Muthusami Ayyar and Kernan on the Appellate Side. I should be certain of undeviating courtesy, of unfailing impartiality, of fearless independence. In Mr. Justice Kernan's instance I should be further assured of what was the weak spot in his colleague's armour, an intimate knowledge of the world, not inferior in value to a knowledge

of the Code of Manu, or of the current edition of Lord Halsbury's Laws of England.

Looking back as I do through the long perspective of thirty-two years at the Indian Bar and performing the mental operation of comparison without which judgment would have no merit, what always struck me in Muthusami was his magnificent modesty. He was too great to be vain. He was learned, as few Jndges are, in Hindu Law, not merely in its precedents but in its principles. There was no law on which he could not and did not bring to bear his constitutional capacity for acute legal analysis. Step by step he would work backwards through details to great elemental and cardinal truths. He never allowed himself to be fascinated or misled by the temptation of reported cases before which lesser minds fall and worship in a spirit of idolatrous and debasing superstition. With Muthusami a point was good because it lay cushioned on the solid foundation of the verities which nothing can shake or loose from the grasp of basal principle. It was nothing to him what the Hon'ble Sir. Timothy Tickle-back, C. I. E., C. J. had previously said about the matter in 133 Madras Series, or what the Hon'ble Mr. Justice Simpleton, with pithy brevity had rendered more unintelligible than ever in Abraham's Reports.

Brevis esse laboro, obscurus fio. The vagaries of Bengal, Madras and Bombay—even Allahabad had its innings—were all duly and conrteously considered, but the decision rested ultimately on the value of his own judgment and not on the dishes more er less indigestible,

served up to him by other cooks. Among the few strong intellects which have smiled, and occasionally frowned, at me from the Bench, I count Sir Charles Turner's as one of the strongest. And Sir Charles himself told me he had never sat with a colleague endowed with a more remarkable capabity for detailed and reliable analysis than Muthusami Ayyar. That was praise worth winning. Take him all round, I should classify Muthusami Ayyar as a great Judge. He was a great Lawyer. But he was much more. He was a gentleman who never took advantage of the Bench to convert it into a jumping-off ground for attacking Counsel. He was courteous, not because courtesy was expedient, but because courtesy was an inalienable portion of himself. It was in him at his birth and he died in it. To be a peripatetic Digest of Case Law has its merits. But so has the capacity to swallow a sword, or to put three peas under a thimble, or to trim a woman's hat, or to cook a savoury omelette. But Muthusami Ayyar could do more than bandy, without reference to a report, decided cases with loud-mouthed pleaders in Court. He understood them. His knowledge went further than the head-notes. He made his head-notes for himself and they were invariably correct and needed no re-editing. But he owned greater gifts than these. He disconnected himself without an effort from the vulgar temptation to be swayed by the personality of the Advocate who addressed him. He believed in an argument, if it was sound, quite as much when it was advanced by some industrious, if bashful Junior, as when it was emphasised by a learned gentleman whose inherited surname had been lengthened out of all

proportion, and not infrequently out of all desert, by the addition of affixes and suffixes as tokens of an official generosity more abundant than discerning. Muthusami Ayyar was a great Judge, because, he was a just Judge. All Judges are in one sense just, in the negative sense, that no Judge deliberately sits down to write a judgment which he knows to be contrary to the justice of the case as he understands the facts. But many Judges are victims to their surroundings, to the social or official prejudices of the hour, to the vanity of a racial vote, to the bidding of what passes for current politics, to the frenzy of sectarian sentiment, to the unpopularity of one of the two parties. Muthusami Ayyar towered above all this. As he was uninfluenced by the individuality of the Counsel or pleader before him, so he was untouched by considerations which were collateral to the contents of the record with which he was dealing. Standing socially aloof from the people among whom he lived, and precluded by his strict Brahminical tenets from intimate domestic converse with Europeans, Muthusami was less assailed than the majority of his contemporaries by the forces which play no unimportant, if unacknowledged, a part in the formation of judicial pronouncements. He was spared at least that later development which, with the substitution of English for Indian sartorial effect, has clothed the legs of the indigenous candidate for the Bench with trousers, has shod his feet with socks and shoes, and has encircled his neck with a starched white linen collar attached to a shirt, the tails of which no longer spread their fullness to the breeze but repose in orthodox fashion inside the continuations which the Basel

Mission can supply, at a profit, for Rs 3/8 per pair. In Muthusami Ayyar's Court one was assured of a respectful and silent hearing. He died before it became the fashion for seven Counsel to be addressing the presiding Judge simultaneously. In his days it was not the Pleader with the stoutest lungs who prevailed, but the Pleader with the clearest brains. Nowadays Counsel are often at a discount unless they possess the lung capacity of a British India steam-siren. I have touched upon Muthusami Ayyar's modesty. Nowhere did he display this more markedly than in his dress. He always walked into Court bare-footed. He always sat without anything to cover his feet except the diaphonous fold of his white muslin cloth. Under his silk gown he donned, it is true, a black Alpacca Coat, but on his head shone all the glory of a gold-laced turban, accentuating the circular Smartha wafer which reposed between his eye brows. No collar disfigured his neck. Round his ebony throat glistened the folds of a much-encircling white tie, which towards the close of the day, after the heat of a more than usually knotty legal argument, by slow degrees worked one of its ends upwards and behind one of his ears. Muthusami would meantime sit with one eye shut, his head askew, with the feathered tip of his quill pen between his lips, smiling, cogitating, watching, waiting for his spring, while as his brain closed upon, grasped and strangled some audacious proposition of Law with regard to the position of Bundhus, the legal status of a sister's son, or the exact inheritable virtues of a Dwyamushyana, his naked toes would play with fierce energy below, clutching and uncluthing themselves as though they were seeking for the antagonist's